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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA, : CASE NO. 1:18-cr-0043  
:  
Plaintiff, :  
vs. : JURY TRIAL  
:  
YANJUN XU, also known as XU : 29th of OCTOBER, 2021  
YANJUN, also known as QU HUI, : 9:30 A.M.  
also known as ZHANG HUI, :  
:  
Defendant. :  
- - -

EXCERPT OF TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE TIMOTHY S. BLACK, JUDGE  
UNITED STATES DISTRICT JUDGE  
- - -

APPEARANCES:

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Also present: Mae Harmon, Interpreter  
Robin Murphy, Interpreter  
Yanjun Xu, Defendant

Law Clerk: Cristina V. Frankian, Esq.

Courtroom Deputy: Bill Miller

Stenographer: Mary Schweinhagen, RPR, RMR, RDR, CRR  
United States District Court  
200 West Second Street, Room 910  
Dayton, Ohio 45402

Proceedings reported by mechanical stenography,  
transcript produced by computer.

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# **INDEX OF WITNESSES**

FRIDAY, OCTOBER 29, 2021

DIRECT      CROSS      REDIRECT      RECROSS

## **PLAINTIFF'S WITNESSES**

DAVID ZHENG	6	72		
JAMES OLSON	108	177	194	195
	*	*	*	*

## **INDEX OF EXHIBITS**

### **GOVERNMENT'S**

### **ADMITTED**

61	46
63a	56
100	124

\*      \*      \*      \*      \*

1 P-R-O-C-E-E-D-I-N-G-S 9:29 A.M.

09:29:13 2 (In open court outside the presence of the jury.)

09:29:13 3 THE COURT: Good morning. We're in the open

09:29:16 4 courtroom on the record outside the presence of the jury and

09:29:21 5 it's 9:29. The government's here; defense is here; defendant

09:29:26 6 and the translators.

09:29:27 7 The Court received defendant's notice of intent to call

09:29:31 8 rebuttal expert. I'll address it in due course at a later

09:29:35 9 recess.

09:29:36 10 Are we ready to get the jury from the government's

09:29:39 11 perspective?

09:29:42 12 MS. GLATFELTER: Yes, Your Honor. Thank you.

09:29:43 13 THE COURT: And from the defense?

09:29:45 14 MR. McBRIDE: Yes, sir.

09:29:46 15 THE COURT: And the government's calling a new

09:29:48 16 witness; is that right?

09:29:49 17 MS. GLATFELTER: Yes, we are. We're calling

09:29:51 18 Dr. Zheng.

09:29:53 19 THE COURT: And can we get him in the courtroom

09:29:55 20 while we're getting the jury?

09:29:58 21 MS. GLATFELTER: Yes, of course.

09:29:59 22 THE COURT: All right. Let's call for the jury.

09:31:32 23 THE COURTROOM DEPUTY: All rise for the jury.

09:31:34 24 (Jury in at 9:31 a.m.)

09:32:06 25 THE COURT: You may all be seated. Thank you.

09:32:09 1 15 members of the jury have rejoined us timely. Thank  
09:32:15 2 you for your presence again today. There's a rumor it's  
09:32:19 3 Friday. It's typically one of my favorite days.

09:32:24 4 The Court and the community and the participants  
09:32:28 5 appreciate your close attention and the hard work you're  
09:32:30 6 doing.

09:32:30 7 The government will call another witness at this time.  
09:32:33 8 Who does the government call?

09:32:36 9 MS. GLATFELTER: Thank you, Your Honor. The  
09:32:37 10 government calls Mr. Zheng.

09:32:43 11 THE COURT: If that gentleman would be willing to  
09:32:49 12 approach. And if you'd be willing to pause where you are, and  
09:33:00 13 I'd ask you to take the oath to tell the truth.

09:33:00 14 Would you raise your right hand please. Do you  
09:33:00 15 solemnly swear or affirm that your testimony today will be the  
09:33:00 16 truth, subject to the penalty of perjury.

09:33:00 17 THE WITNESS: Yes.

09:33:03 18 **DAVID ZHENG, PLAINTIFF WITNESS, SWORN**

09:33:03 19 THE COURT: Very well. You may be seated. Start to  
09:33:06 20 get acclimated. The chair tips back on occasion, and we'll  
09:33:12 21 need you close to the microphone, right in front of your  
09:33:15 22 mouth.

09:33:17 23 And the government's lawyer will begin with questions of  
09:33:19 24 you, sir.

09:33:21 25 Ms. Glatfelter, you may proceed.

09:33:26 1 MS. GLATFELTER: Thank you.

09:33:26 2 **DIRECT EXAMINATION**

09:33:26 3 BY MS. GLATFELTER:

09:33:27 4 **Q.** Mr. Zheng, could you state and spell your name for the  
09:33:30 5 court reporter?

09:33:30 6 **A.** First name D-A-V-I-D, last name Z-H-E-N-G.

09:33:40 7 **Q.** Thank you. Mr. Zheng, do you have a bachelor's degree?

09:33:45 8 **A.** Yes, I have a bachelor's degree in civil engineering.

09:33:49 9 **Q.** And where is your bachelor's degree from?

09:33:52 10 **A.** From Harbin University or Institute of Technology in  
09:33:58 11 China.

09:33:58 12 **Q.** And, Mr. Zheng, do you have a master's degree?

09:34:06 13 **A.** Yes, I have a Master's degree in structure engineering  
09:34:07 14 from Northern Jiaotong University.

09:34:11 15 **Q.** Do you have a Ph.D. as well?

09:34:13 16 **A.** Yes, I have a Ph.D. degree from the University of  
09:34:16 17 Akron.

09:34:18 18 **Q.** And what was the subject matter of your Ph.D. degree from  
09:34:23 19 the University of Akron?

09:34:25 20 **A.** Impact of composites, structures.

09:34:29 21 **Q.** And did you -- for your Ph.D. work, did you work on a  
09:34:34 22 project that was funded by GE and NASA?

09:34:37 23 **A.** Yes.

09:34:38 24 **Q.** Are you fluent in any foreign languages?

09:34:41 25 **A.** I'm fluent in Chinese, Mandarin.

ZHENG - DIRECT (Glatfelter)

7

09:34:46 1 Q. Do you speak and read Chinese?

09:34:48 2 A. Yes.

09:34:49 3 Q. When did you come to the United States?

09:34:51 4 A. I came to United States in 2003.

09:34:56 5 Q. And can you tell the members of the jury if you became a

09:35:00 6 citizen of the United States?

09:35:02 7 A. I became a citizen in 2019.

09:35:06 8 Q. Okay. And why did you become a citizen?

09:35:08 9 A. I been in the U.S. since 2003. All of my wife and kids

09:35:14 10 are here. I love this country and joined as a U.S. citizen.

09:35:19 11 Q. At some point in your career as an engineer, did you

09:35:22 12 begin working for GE?

09:35:24 13 A. I start working for GE after I graduate from my Ph.D.

09:35:31 14 degree in 2007.

09:35:33 15 Q. And can you describe the work that you did for GE at that

09:35:39 16 time?

09:35:39 17 A. I was a research engineer, collaborating with different

09:35:45 18 GE businesses, including GE Aviation.

09:35:51 19 Q. And where was the office where you worked at that time?

09:35:53 20 A. I was working in Niskayuna, New York, in upstate New

09:36:01 21 York.

09:36:01 22 Q. At some point did you start working for GE Aviation here

09:36:04 23 in Cincinnati, Ohio?

09:36:05 24 A. I transitioned to GE Aviation here in Cincinnati in

09:36:13 25 2012.

ZHENG - DIRECT (Glatfelter)

8

09:36:14 1 Q. And when you transitioned here, what position did you  
09:36:18 2 start working?

09:36:19 3 A. I start with a lead design engineer, then was promoted  
09:36:29 4 as a staff engineer in 2016.

09:36:35 5 Q. As a staff engineer, what kind of projects were you  
09:36:37 6 working on?

09:36:40 7 A. I was working on design of composite structures for  
09:36:44 8 aircraft engine.

09:36:45 9 Q. Was there a particular engine that you were working on  
09:36:49 10 the design for?

09:36:50 11 A. I was working on GENx and GE9X engine, part of Boeing  
09:36:59 12 777 and the 787.

09:37:01 13 Q. And which is -- which one of those is GE's newest engine?

09:37:09 14 A. GE9X.

09:37:10 15 Q. Okay. And do you have a particular -- a particular area  
09:37:16 16 that you focus on? You said -- you mentioned composites. Is  
09:37:21 17 there a particular part of composites that you focus on?

09:37:27 18 A. I was focus on fan containment case, which is fan case  
09:37:31 19 contain rotating fan blades in the aircraft engine.

09:37:35 20 Q. All right. Now, among aviation companies like GE  
09:37:40 21 Aviation, Rolls-Royce, and Pratt & Whitney, does GE have any  
09:37:45 22 unique technology that other companies do not have certified  
09:37:49 23 yet?

09:37:50 24 A. GE has unique advantages in -- technical advantage in  
09:37:56 25 composite fan containment case and composite fan blade,



ZHENG - DIRECT (Glatfelter)

9

09:38:01 1 compared to other competitors.

09:38:02 2 Q. And is this the area where you worked?

09:38:07 3 A. I was working on composite fan containment case.

09:38:09 4 Q. And during the course of your career at GE Aviation, did  
09:38:13 5 you learn specialized things about the composite system?

09:38:19 6 A. Can you repeat your question?

09:38:20 7 Q. While you were working at GE Aviation, did you learn  
09:38:25 8 about information that you could not share with others outside  
09:38:28 9 of GE Aviation?

09:38:29 10 A. Yes. That's the -- while I learn in GE and I was  
09:38:35 11 working on is a GE proprietary information.

09:38:39 12 Q. And can you tell me the categories of information that  
09:38:44 13 we're talking about? For example, like testing data or design  
09:38:49 14 data? What kind of categories of information did you have  
09:38:53 15 access to when you were working at GE Aviation?

09:38:55 16 A. I had access to most testing and a design system,  
09:39:03 17 design specifications for composite structures.

09:39:08 18 Q. And those structures related to the fan -- fan blade  
09:39:11 19 encasement?

09:39:12 20 A. That's correct.

09:39:14 21 Q. And were there measures in place at GE Aviation to  
09:39:19 22 protect the information that you were working on?

09:39:22 23 A. Yeah, they have export controlled, which you have to go  
09:39:27 24 through rigorous training in order to be able to access this  
09:39:32 25 information.

ZHENG - DIRECT (Glatfelter)

10

09:39:33 1 Q. Were there physical security measures around the campus  
09:39:42 2 before you could walk into your office?

09:39:44 3 A. Yes, you have to we call blue badge in order to access  
09:39:50 4 certain area of the building. In the office building you  
09:39:53 5 had to scan in, and in order to be able to access.

09:39:59 6 Q. And were there any security measures in place -- well,  
09:40:05 7 let me back up for a second.

09:40:06 8 As an engineer working at GE, were you issued a laptop?

09:40:11 9 A. Can you repeat your question?

09:40:12 10 Q. I'm sorry. As an engineer working at GE Aviation, were  
09:40:16 11 you issued a computer?

09:40:17 12 A. Yes.

09:40:19 13 Q. Okay. And were there security measures in place  
09:40:23 14 regarding your computer?

09:40:24 15 A. Yeah. There are certain encrypt hardware, and you have  
09:40:31 16 to use certain token in order to be able to access the  
09:40:36 17 computer.

09:40:37 18 Q. You mentioned training before. Did you receive training  
09:40:40 19 about GE's protections of its technology?

09:40:45 20 A. Yeah, I did. I receive several trainings.

09:40:50 21 Q. All right. Now, sir, at some point did you give a  
09:40:54 22 presentation at NUAA in China about aviation technology?

09:41:00 23 A. Yeah, I was invited by NUAA give a presentation in  
09:41:07 24 2017, May of 2017.

09:41:08 25 Q. Did you tell anyone at GE Aviation that you were going to

ZHENG - DIRECT (Glatfelter)

11

09:41:10 1 give that presentation at NUAA?

09:41:13 2 A. I did not.

09:41:14 3 Q. And did you tell anyone at GE Aviation about the  
09:41:17 4 presentation when you returned from the trip?

09:41:20 5 A. I did not.

09:41:21 6 Q. In preparing for that trip, did you take some material  
09:41:27 7 that was export controlled to China?

09:41:29 8 A. Yes. I access five training files and zipped it into  
09:41:39 9 my personal computer and carried it in my personal computer  
09:41:44 10 to China.

09:41:45 11 Q. Did you ask permission to take that information to China?

09:41:49 12 A. I did not.

09:41:50 13 Q. Did your employment with GE end as a consequence of your  
09:41:53 14 actions?

09:41:53 15 A. Yes, my employment was terminated in early 2018.

09:41:58 16 Q. In 2017, after you returned from your trip, did you speak  
09:42:06 17 with agents about your presentation at some point?

09:42:09 18 A. I was interviewed by Agent Hull about the presentation.

09:42:17 19 Q. And as a result of that interview, what, if anything, did  
09:42:20 20 you agree to do?

09:42:21 21 A. I agreed to cooperate with the government about what  
09:42:26 22 happened in the presentation and what I shared.

09:42:30 23 Q. All right. And at some point did you enter into an  
09:42:33 24 agreement with the U.S. Attorney's Office?

09:42:37 25 A. Yeah, I enter into a non-prosecution agreement with the

ZHENG - DIRECT (Glatfelter)

12

09:42:40 1 U.S. government, with FBI.

09:42:42 2 Q. And can you explain to the jury in general term --  
09:42:46 3 generally what that means?

09:42:46 4 A. That means I have to fully cooperate with the U.S.  
09:42:51 5 government into the investigation of this case.

09:42:58 6 Q. And in return for cooperating, did the government agree  
09:43:06 7 to do anything?

09:43:07 8 A. They agreed to not prosecuting me for my export  
09:43:13 9 controlled violation.

09:43:14 10 Q. Now, does that agreement also require you to testify if  
09:43:20 11 asked?

09:43:20 12 A. Yes.

09:43:21 13 Q. Now, earlier you mentioned that you cooperated with the  
09:43:23 14 FBI. How did you cooperate?

09:43:25 15 A. Whenever I receive phone call about what I should do  
09:43:32 16 next, I follow the direction.

09:43:34 17 Q. Okay. Was there a person at FBI that you mainly were in  
09:43:40 18 contact with?

09:43:41 19 A. Agent Hull.

09:43:43 20 Q. And just broadly, what did Agent Hull ask you to do?

09:43:48 21 A. He ask me to make phone calls and send WeChat messages  
09:43:54 22 and send emails.

09:43:57 23 Q. And was your attorney present with you during most of  
09:44:00 24 your meetings with Agent Hull?

09:44:03 25 A. Can you repeat your question?

ZHENG - DIRECT (Glatfelter)

13

09:44:04 1 Q. I'm sorry. I'm talking too fast.

09:44:07 2 Was your attorney present with you during most of your

09:44:09 3 meetings with Agent Hull?

09:44:10 4 A. Yes.

09:44:11 5 Q. How would you describe your relationship with Agent Hull?

09:44:14 6 A. We had good relationship.

09:44:19 7 Q. All right. Now, you said you were asked to communicate.

09:44:21 8 Who were you asked to communicate with?

09:44:24 9 A. I was asking to communicate with the contact at NUAA,

09:44:35 10 several contacts at NUAA.

09:44:37 11 Q. Okay. And can you tell the jury the specific names of

09:44:40 12 the people you were asked to contact?

09:44:42 13 A. I was asked to contact Mr. Feng, Chen Feng, who was the

09:44:50 14 original -- I was originally communicate about my

09:44:58 15 presentation. Then I was asked to contact Mr. Qu.

09:45:03 16 Q. And we'll come back to those two individuals in a moment.

09:45:07 17 But you mentioned that you were asked to communicate or sent

09:45:11 18 communications via WeChat. Can you tell the members of the

09:45:15 19 jury what WeChat is?

09:45:16 20 A. WeChat is similar social media application, like a

09:45:24 21 Facebook.

09:45:25 22 Q. And what are the different ways that you can use WeChat?

09:45:30 23 A. You can make a phone calls, send messages, and share

09:45:35 24 pictures, moments.

09:45:38 25 Q. And you said you could make phone calls through WeChat?

ZHENG - DIRECT (Glatfelter)

14

09:45:42 1 A. Yes.

09:45:42 2 Q. Did you do that during the course of cooperating with

09:45:47 3 Agent Hull?

09:45:47 4 A. Yeah, I did a couple of phone calls under the direction

09:45:49 5 of Agent Hull.

09:45:51 6 Q. Did you communicate via email at all?

09:45:55 7 A. Yes.

09:45:59 8 Q. And these communications were all at the direction of the

09:46:03 9 FBI?

09:46:04 10 A. Yes.

09:46:06 11 Q. Now, I want to return to those two individuals that you

09:46:10 12 were asked to contact. You said you were asked to contact

09:46:13 13 Mr. Feng?

09:46:14 14 A. Yes.

09:46:15 15 Q. Okay. Can you spell that for the court reporter?

09:46:17 16 A. Mr. Chen, his last name is C-H-E-N. First name is

09:46:27 17 F-E-N-G.

09:46:33 18 Q. And had you communicated with him before?

09:46:35 19 A. We connected through LinkedIn, which is professional

09:46:41 20 social network. That's the beginning. Then transition to

09:46:46 21 email communications.

09:46:47 22 Q. And have you ever met Mr. Chen in person?

09:46:51 23 A. Before my trip I never met him.

09:46:55 24 Q. Okay. Did you meet him during your trip?

09:46:56 25 A. I met him during my trip to NUAA.

ZHENG - DIRECT (Glatfelter)

15

09:47:02 1 Q. And how long would you say that you spent with Mr. Chen  
09:47:08 2 during that trip?

09:47:10 3 A. About less -- about a day. I got there the night  
09:47:16 4 before and spend the day in NUAA, and then I left in the  
09:47:22 5 evening.

09:47:23 6 Q. All right. And your trip to NUAA, that all happened  
09:47:27 7 before you were asked by Agent Hull to cooperate, right?

09:47:31 8 A. Can you repeat your question?

09:47:34 9 Q. The communication and the interaction with Mr. Chen that  
09:47:37 10 you were just describing, did that happen before or after you  
09:47:42 11 began to work with Agent Hull?

09:47:44 12 A. That's before.

09:47:48 13 Q. All right. Now, you also mentioned that you were asked  
09:47:52 14 to communicate with Mr. Qu; is that right?

09:47:57 15 A. Yes.

09:47:58 16 Q. Okay. And had you met Mr. Qu before?

09:48:02 17 A. I did not meet with him until the trip to NUAA.

09:48:08 18 Q. So you met with him during that same trip that you met  
09:48:11 19 Mr. Chen?

09:48:12 20 A. That is correct.

09:48:13 21 Q. Okay. And that was before Mr. Hull asked you to contact  
09:48:20 22 him?

09:48:20 23 A. That's correct.

09:48:20 24 Q. All right. And during that trip, how long would you say  
09:48:26 25 that you spent interacting with Mr. Qu?

ZHENG - DIRECT (Glatfelter)

16

09:48:30 1 A. In the same day, just the one day during that trip.

09:48:34 2 Q. And during those interactions, did Mr. Qu introduce  
09:48:39 3 himself to you?

09:48:40 4 A. He introduced himself as the deputy director of Jiangsu  
09:48:49 5 Province Science and Technology Association.

09:48:51 6 Q. Did he provide you with any identification during that  
09:48:53 7 trip?

09:48:53 8 A. He provided me with his business card.

09:48:57 9 Q. And what did you do with that business card?

09:48:59 10 A. I just put in my suit -- my backpack and carried back  
09:49:09 11 when I came back home.

09:49:10 12 Q. And did you save that?

09:49:11 13 A. It -- yes.

09:49:13 14 Q. Did you provide that to the FBI?

09:49:15 15 A. Yes.

09:49:18 16 MS. GLATFELTER: Your Honor, at this time I'd ask to  
09:49:20 17 publish to the witness and to the jury 63b, which has been  
09:49:27 18 admitted.

09:49:28 19 THE COURT: Yes.

09:49:29 20 BY MS. GLATFELTER:

09:49:29 21 Q. All right, sir. If you can look at your screen for a  
09:49:31 22 moment. Do you recognize what's been admitted as Government's  
09:49:40 23 Exhibit 63b?

09:49:42 24 A. Yes.

09:49:42 25 Q. What is that?



ZHENG - DIRECT (Glatfelter)

17

09:49:43 1 A. It's Mr. Qu's business card.

09:49:48 2 Q. You mention that you had the opportunity to spend some  
09:49:51 3 time with Mr. Chen and Qu, Mr. Qu during your trip. Based on  
09:49:56 4 your observations, did they appear to know each other?

09:50:00 5 A. They appear to know each other.

09:50:03 6 Q. And based on your observations, what was your impression  
09:50:07 7 of Mr. Qu's rank?

09:50:09 8 A. He -- he's high profile.

09:50:13 9 Q. What gave you that impression?

09:50:14 10 A. He -- he said he will fund my trip for the expenses and  
09:50:22 11 my presentation.

09:50:24 12 Q. And based on that, you understood him to have that sort  
09:50:30 13 of rank and relation to Mr. Chen?

09:50:33 14 A. Yes.

09:50:33 15 Q. All right. I'm going to ask you to look around the  
09:50:38 16 courtroom at this time and ask us -- and tell us if you see  
09:50:42 17 the Mr. Qu that you are referring to.

09:50:46 18 A. (Indicating.)

09:50:57 19 MS. GLATFELTER: Let the record reflect that the  
09:50:58 20 defendant -- or that the witness has pointed to the defendant.

09:51:02 21 THE COURT: Yes.

09:51:04 22 BY MS. GLATFELTER:

09:51:04 23 Q. Now, we'll come back to your trip to China in a little  
09:51:07 24 bit, but I want to talk about your communication with these  
09:51:11 25 individuals at Agent Hull's request.

09:51:14 1 You said that you communicated via WeChat. I'd like to  
09:51:18 2 show you some communications. Specifically, I'd like to  
09:51:22 3 publish to the jury what's been admitted as Exhibit 67c.

09:51:27 4 THE COURT: Yes.

09:51:30 5 BY MS. GLATFELTER:

09:51:30 6 Q. Can you look at your screen in front of you? Do you  
09:51:36 7 recognize just generally this page?

09:51:41 8 A. Yes.

09:51:42 9 Q. Okay. And can you describe -- you are going to have to  
09:51:45 10 speak into your microphone or move it over towards you.

09:51:50 11 Do you recognize this page?

09:51:52 12 A. Yes.

09:51:52 13 Q. Okay. And I want to use this to describe to the jury  
09:51:55 14 what we're seeing on this page. All right. We see a little  
09:52:00 15 picture on the right-hand side. Can you describe what that  
09:52:03 16 is?

09:52:04 17 A. That's my WeChat profile picture.

09:52:09 18 Q. And that shows up when you communicate on WeChat?

09:52:13 19 A. That's correct.

09:52:17 20 MS. GLATFELTER: Okay. If we can turn to page 7,  
09:52:22 21 please.

09:52:22 22 BY MS. GLATFELTER:

09:52:27 23 Q. And do you see the picture on the left of the screen?

09:52:32 24 A. Yes, that's Mr. Qu's WeChat profile picture.

09:52:39 25 Q. And that's the way you contacted him through WeChat?

ZHENG - DIRECT (Glatfelter)

19

09:52:42 1 A. That's correct.

09:52:43 2 MS. GLATFELTER: Okay. And if we can scroll down to  
09:52:45 3 the bottom of that page.

09:52:45 4 BY MS. GLATFELTER:

09:52:49 5 Q. Do you see the green message on your screen?

09:52:52 6 A. Yes.

09:52:54 7 Q. Is that a message that you sent at Mr. Hull's request, or  
09:53:01 8 Agent Hull's request?

09:53:01 9 A. Yes.

09:53:02 10 Q. Okay. Tell us -- the jury the process that you went  
09:53:05 11 through in sending these WeChat messages. How did it work?

09:53:11 12 A. Basically, I got a phone call from Mr. Hull, Agent  
09:53:20 13 Hull, and he -- he will ask me what -- what to send. And I  
09:53:30 14 will translate that into Chinese and sent the conversation  
09:53:39 15 to Mr. Qu.

09:53:41 16 Q. Okay. So Agent Hull would tell you -- if I understand  
09:53:45 17 you, Agent Hull would tell you what he wanted you to say?

09:53:49 18 A. That's correct.

09:53:49 19 Q. And you would type it into Chinese?

09:53:51 20 A. That's correct.

09:53:51 21 Q. Some of the times did you -- that you met, did you also  
09:53:54 22 meet in person with Agent Hull?

09:53:56 23 A. Yes.

09:53:57 24 Q. And sometimes it was over the phone?

09:54:00 25 A. Yes, sometimes it was over the phone.

ZHENG - DIRECT (Glatfelter)

20

09:54:05 1 Q. Okay. And did your attorney join you at those meetings  
09:54:07 2 with Mr. Hull and on the phone with Mr. Hull?

09:54:11 3 A. Yes, most of the time.

09:54:14 4 Q. Okay. If you can go ahead and read the message on the  
09:54:18 5 screen to the jury.

09:54:20 6 A. "Director Qu, Merry Christmas and Happy New Year. I  
09:54:28 7 apologize for the delay. I was overwhelmed by the work and  
09:54:34 8 holidays. Thank you for arranging the S & T Association to  
09:54:41 9 work on this. I will finalize my trip soon and forward it  
09:54:48 10 to you.

09:54:51 11 "Also, even though school will be in off-session during  
09:54:56 12 the Chinese New Year, is there any material you want me to  
09:55:00 13 prepare? Since this trip is arranged by the Provincial S &  
09:55:07 14 T Association, it would be a great honor for me to meet with  
09:55:12 15 the leaders from S & T Association if possible."

09:55:18 16 MS. GLATFELTER: And if we can scroll up just a  
09:55:20 17 little bit, Ms. Prim, so he can see the date on the message.

09:55:20 18 BY MS. GLATFELTER:

09:55:26 19 Q. Roughly, when were you sending WeChat communications at  
09:55:30 20 Agent Hull's direction? Like what months generally?

09:55:32 21 A. It was in January 2018.

09:55:36 22 Q. And did that continue for a few months?

09:55:38 23 A. Yes.

09:55:39 24 Q. Okay. And was this -- can you describe where this  
09:55:43 25 message was in the process of your cooperation?

ZHENG - DIRECT (Glatfelter)

21

09:55:48 1 A. This is in very early.

09:55:50 2 Q. Very early stages?

09:55:51 3 A. Yes.

09:55:52 4 MS. GLATFELTER: Okay. And if we can go to the next  
09:55:54 5 page, Ms. Prim.

09:55:54 6 BY MS. GLATFELTER:

09:55:58 7 Q. And you see a message there on the left. Who is that  
09:56:01 8 message from?

09:56:01 9 A. It's from Mr. Qu.

09:56:08 10 Q. And the date of this message?

09:56:10 11 A. It's in January 8, 2018.

09:56:12 12 Q. And what did Mr. Qu say in response to you, to your  
09:56:18 13 message?

09:56:18 14 A. He said, "I will touch base with the scientific  
09:56:21 15 research department to see what technology is desired, and I  
09:56:26 16 will let you know what to prepare. For your end, please  
09:56:31 17 prepare the plane ticket and date as soon as possible. It's  
09:56:38 18 almost New Year spring break and school will be empty. Many  
09:56:47 19 departments are in holiday mode."

09:56:50 20 Q. Okay. Now, sir, you mentioned that you also communicated  
09:56:56 21 via email with Mr. Qu?

09:56:58 22 A. Yes.

09:56:59 23 Q. If we could --

09:57:05 24 MS. GLATFELTER: Permission to show to the witness  
09:57:07 25 and publish to the jury what's been admitted as Exhibit 69?

ZHENG - DIRECT (Glatfelter)

22

09:57:10 1 THE COURT: 69, we'll show it to everyone.

09:57:15 2 BY MS. GLATFELTER:

09:57:15 3 Q. Sir, do you recognize generally what we're looking at in

09:57:18 4 Exhibit 69?

09:57:19 5 A. Yes. This is a email I communicate with Mr. Qu.

09:57:24 6 Q. Okay. Is this an email that you received?

09:57:26 7 A. Yes.

09:57:30 8 MS. GLATFELTER: Okay. And if we can go to the

09:57:31 9 second page. And scroll into the translation at the bottom.

09:57:42 10 BY MS. GLATFELTER:

09:57:43 11 Q. Sir, can you go ahead and read this message and let us

09:57:46 12 know if this is one of the messages you received?

09:57:49 13 A. "Hello. I -- teacher. I received the document you

09:57:54 14 sent to me. Since I am not the expert in this field, I want

09:58:00 15 to spend time to dialog with the expert in China for a more

09:58:05 16 precise connection. How about eighth day after the New

09:58:12 17 Year, which is February 23rd.

09:58:16 18 "Also, attached file is some domestic requirements that

09:58:22 19 I know of. Can you take a look and let me know if you are

09:58:27 20 familiar with this?"

09:58:30 21 Q. And, sir, you are doing a great job keeping your voice

09:58:34 22 up. You can back up just a little bit from the microphone.

09:58:37 23 There you go.

09:58:38 24 And was there an attachment to this email?

09:58:40 25 A. Yes.

09:58:43 1 MS. GLATFELTER: Okay. If we can look at the last  
09:58:45 2 page.  
09:58:45 3 BY MS. GLATFELTER:  
09:58:50 4 Q. Sir, was this the attachment to the email?  
09:58:51 5 A. Yeah, this is translate for the attachment of the  
09:58:56 6 email.  
09:58:58 7 Q. Okay. And were there terms in this attachment that  
09:59:04 8 related to the composite work?  
09:59:08 9 A. Yes. It say the third bullet, "How are the allowed  
09:59:24 10 value for the 3-D braided structural material?"  
09:59:27 11 This is very specific.  
09:59:29 12 Q. Based on your work at GE Aviation?  
09:59:30 13 A. Yes.  
09:59:31 14 Q. Okay. Now, I'd like you to take a look at another email.  
09:59:37 15 If we can --  
09:59:38 16 MS. GLATFELTER: Permission to show the witness and  
09:59:40 17 publish to the jury what's been admitted as Exhibit 70?  
09:59:44 18 THE COURT: Yes.  
09:59:46 19 BY MS. GLATFELTER:  
09:59:47 20 Q. Sir, is this an example of an email that you received  
09:59:51 21 from Mr. Qu?  
09:59:52 22 A. Yes.  
09:59:52 23 Q. And if we can look at page 2, the translation.  
10:00:03 24 And can you tell us what Mr. Qu, what, if anything, he  
10:00:08 25 asked you to do in this email?

ZHENG - DIRECT (Glatfelter)

24

10:00:10 1 A. He asked me, "Can you sort out a directory for your  
10:00:16 2 return" -- in the computer -- "for your return trip to  
10:00:21 3 China."

10:00:23 4 Q. Okay. And was there an attachment to this email?

10:00:26 5 A. Yes.

10:00:29 6 MS. GLATFELTER: Okay. If we can look at page 4.  
10:00:34 7 And zoom into the bottom.

10:00:34 8 BY MS. GLATFELTER:

10:00:38 9 Q. Sir, was this the attachment to the email?

10:00:42 10 A. Yes.

10:00:42 11 Q. Okay. And can you read the top paragraph to the jury?  
10:00:47 12 Just the top box?

10:00:48 13 A. "Mr. Zheng, can you sort out a table of contents for  
10:00:55 14 your return trip to China.

10:00:57 15 "Here is how."

10:00:59 16 Q. And in the box below, are there what appear to be  
10:01:06 17 instructions?

10:01:06 18 A. That's correct?

10:01:06 19 Q. And did you provide these emails to Agent Hull when you  
10:01:09 20 received them?

10:01:10 21 A. Yes.

10:01:10 22 Q. And did he ask you to respond to this email?

10:01:14 23 A. He did.

10:01:17 24 MS. GLATFELTER: If we can -- permission to show the  
10:01:19 25 witness and publish to the jury what's been admitted as



ZHENG - DIRECT (Glatfelter)

25

10:01:22 1 Exhibit 72?

10:01:23 2 THE COURT: Yes, 72, we'll show it to all.

10:01:27 3 BY MS. GLATFELTER:

10:01:27 4 Q. Was this the response email that Agent Hull directed you

10:01:30 5 to send?

10:01:31 6 A. Yes, yes.

10:01:34 7 MS. GLATFELTER: And if we can look at page 6 of the

10:01:37 8 exhibit.

10:01:37 9 BY MS. GLATFELTER:

10:01:44 10 Q. Was this document something that you created or that

10:01:48 11 Agent Hull gave to you?

10:01:50 12 A. Agent Hull --

10:02:00 13 THE COURT: Is something going on with the

10:02:02 14 microphones?

10:02:03 15 MS. GLATFELTER: I think all the microphones are

10:02:05 16 off.

10:02:06 17 THE COURT: That's almost beyond my expertise.

10:02:10 18 Do you want to proceed without microphones? We may have

10:02:14 19 to restart.

10:02:18 20 THE COURTROOM DEPUTY: I will restart it.

10:02:19 21 THE COURT: How long will that take?

10:02:22 22 THE COURTROOM DEPUTY: Just a minute or two.

10:02:24 23 THE COURT: So we will be very quiet for a minute or

10:02:29 24 two.

10:03:26 25 (Pause.)

ZHENG - DIRECT (Glatfelter)

26

10:03:28 1 THE COURT: Is your microphone now working, sir? I  
10:03:32 2 was able to fix it.

10:03:34 3 Ms. Glatfelter, you may proceed.

10:03:39 4 MS. GLATFELTER: Thank you, Your Honor.

10:03:40 5 BY MS. GLATFELTER:

10:03:40 6 Q. I believe we were looking at page 6 of Exhibit 72.

10:03:48 7 THE COURT: Give us just a moment.

10:03:50 8 MS. GLATFELTER: Yes, Your Honor.

10:03:52 9 (Pause.)

10:03:55 10 THE COURT: I believe it's up.

10:03:56 11 MS. GLATFELTER: Thank you.

10:03:58 12 BY MS. GLATFELTER:

10:03:59 13 Q. Is this a page from the attachment that Agent Hull gave  
10:04:05 14 you to send to Mr. Qu?

10:04:06 15 A. Yes.

10:04:07 16 Q. Okay. And if we look at the screen on -- on page 6. Do  
10:04:15 17 you see the term "trenchfiller"?

10:04:20 18 A. Yes.

10:04:21 19 Q. And do you see the term "hat stiffener"?

10:04:26 20 A. Yes.

10:04:27 21 Q. All right. And what about VSE?

10:04:31 22 A. It's a vendor substantiation engineering.

10:04:38 23 Q. Okay. You see that term on this screen as well?

10:04:40 24 A. Yes.

10:04:40 25 Q. And do any of the files --

ZHENG - DIRECT (Glatfelter)

27

10:04:45 1 MS. GLATFELTER: If we scroll down a little bit,  
10:04:46 2 Ms. Prim.  
10:04:46 3 BY MS. GLATFELTER:  
10:04:47 4 Q. Do any of the files have the number 2695M84? Do you see  
10:04:56 5 any files that have M84 at the end?  
10:05:02 6 A. Can you repeat the number, please?  
10:05:04 7 Q. 2695M84.  
10:05:10 8 A. Yes.  
10:05:13 9 MS. GLATFELTER: All right. If we can go ahead, and  
10:05:17 10 permission to show the witness and publish to the jury what's  
10:05:19 11 been admitted as Exhibit 73?  
10:05:22 12 THE COURT: Yes.  
10:05:32 13 BY MS. GLATFELTER:  
10:05:33 14 Q. Sir, do you recognize Exhibit 73?  
10:05:35 15 A. Yes.  
10:05:37 16 Q. And what is it?  
10:05:38 17 A. It's a email I was direct by Agent Hull to send to  
10:05:44 18 Mr. Qu.  
10:05:44 19 Q. Okay. And I'd like to look at page 2 of this email.  
10:05:52 20 Is this a translation of the email that you received?  
10:05:56 21 A. Yes.  
10:05:57 22 Q. All right. And if you can read the last paragraph that  
10:06:01 23 starts with "In addition," please.  
10:06:07 24 A. "In addition, I need to ask you about a few specific  
10:06:11 25 terms in the material sent by you last time: PSE, VSE,

ZHENG - DIRECT (Glatfelter)

28

10:06:20 1 trenchfiller, hat stiffener, and document 2695M84. What are  
10:06:31 2 those referring to?"

10:06:34 3 Q. And you're doing a great job keeping your voice up. You  
10:06:39 4 can just stay where you are. I think we'll all be able to  
10:06:41 5 hear you.

10:06:42 6 Are those terms that we saw in the attachment that you  
10:06:45 7 just referenced before?

10:06:46 8 A. Yes.

10:06:47 9 Q. Okay. Are those some terms that are used at GE Aviation  
10:06:51 10 in relation to composite fan blades or fan encasements?

10:06:59 11 A. It is related to fan case.

10:07:00 12 Q. All right. Now, earlier when we were talking about the  
10:07:06 13 ways that you communicated with Mr. Qu, you mentioned phone  
10:07:09 14 calls. Do you remember that?

10:07:10 15 A. Yes.

10:07:11 16 Q. Okay.

10:07:12 17 MS. GLATFELTER: Permission to show the witness and  
10:07:13 18 publish to the jury what's been admitted as Exhibit 67c, page  
10:07:19 19 27.

10:07:21 20 THE COURT: Yes.

10:07:25 21 BY MS. GLATFELTER:

10:07:26 22 Q. Do you see an image on your screen, sir?

10:07:29 23 A. Yes.

10:07:30 24 Q. Okay. And what generally are we looking at on the  
10:07:34 25 screen?

ZHENG - DIRECT (Glatfelter)

29

10:07:34 1 A. It's a phone call I had with Mr. Qu.

10:07:40 2 Q. Okay. And is this a screenshot of a type of

10:07:42 3 communication that you had with Mr. Qu?

10:07:44 4 A. Yes.

10:07:44 5 Q. Okay. What is this? Like is this a WeChat?

10:07:49 6 A. It's a WeChat.

10:07:51 7 Q. And are you able to make phone calls through WeChat?

10:07:56 8 A. Yes.

10:07:56 9 Q. Do you see one on the screen here?

10:07:59 10 A. Yeah, it's in the middle, around 11:30 a.m.

10:08:05 11 Q. All right. And how long was the phone call?

10:08:06 12 A. It's 14 minutes, 20 seconds.

10:08:12 13 Q. Okay. How did you -- strike that.

10:08:15 14 Was anyone else present when you had the phone call with

10:08:18 15 Mr. Qu?

10:08:19 16 A. I was with Agent Hull.

10:08:25 17 MS. GLATFELTER: And if we can turn to 75b, which

10:08:30 18 has been admitted. I'd ask permission to show the witness and

10:08:34 19 publish to the jury?

10:08:36 20 THE COURT: Yes.

10:08:36 21 BY MS. GLATFELTER:

10:08:36 22 Q. And, sir, do you recognize this as the transcript of that

10:08:40 23 phone call?

10:08:40 24 A. Yes.

10:08:44 25 MS. GLATFELTER: I'd like to turn to page 7. And at

ZHENG - DIRECT (Glatfelter)

30

10:08:48 1 the bottom.

10:08:48 2 BY MS. GLATFELTER:

10:08:53 3 Q. During your conversation with Mr. Qu, did he reference  
10:09:00 4 the file directory that he had asked for and you had sent  
10:09:05 5 before?

10:09:06 6 A. Yes, at the bottom he said, "We took a look. I think  
10:09:14 7 that, uh, that is pretty good stuff. I wonder if that's  
10:09:18 8 convenient for you to bring that stuff, this time to  
10:09:22 9 Europe."

10:09:23 10 Q. Okay. And how did you respond?

10:09:27 11 A. I said, "I for sure will bring my computer with me."

10:09:34 12 Q. Okay. And that was in response to his statement about  
10:09:37 13 "the good stuff"?

10:09:39 14 A. Yes.

10:09:42 15 Q. Now, after this phone call, did you have more  
10:09:45 16 conversations with Mr. Qu via WeChat?

10:09:48 17 A. Yes.

10:09:50 18 MS. GLATFELTER: Okay. If we can go back to Exhibit  
10:09:52 19 67c, which has been admitted. And permission to show the  
10:09:57 20 witness and show to the jury page 34?

10:10:00 21 THE COURT: Yes.

10:10:02 22 BY MS. GLATFELTER:

10:10:02 23 Q. And after this phone call, did you continue to  
10:10:05 24 communicate with Mr. Qu at FBI's direction?

10:10:08 25 A. Yes.

ZHENG - DIRECT (Glatfelter)

31

10:10:10 1 Q. All right. And is this page an example of those  
10:10:12 2 communications?

10:10:13 3 A. That's correct.

10:10:14 4 Q. Okay. I'd like to direct your attention to the middle of  
10:10:17 5 that page.

10:10:22 6 And after the phone call, what, if anything, did Mr. Qu  
10:10:27 7 ask you for?

10:10:28 8 A. He ask, "Regarding the document directory you sent last  
10:10:33 9 time, is it possible to dump it to a portable hard drive or  
10:10:39 10 USB drive from work computer in advance?"

10:10:43 11 Q. And how did you response?

10:10:44 12 A. I said, "I can try. It should work."

10:10:48 13 Q. And was your response something that you had discussed  
10:10:53 14 with Agent Hull?

10:10:54 15 A. Yes.

10:10:56 16 Q. Now, after these communications, at some point did you  
10:11:00 17 travel to Europe to meet with Mr. Qu?

10:11:04 18 A. Yes.

10:11:05 19 Q. Where did you travel to?

10:11:06 20 A. Belgium.

10:11:09 21 Q. Who, if anyone, went with you to Belgium?

10:11:12 22 A. Agent Hull.

10:11:14 23 Q. And were there some other FBI personnel who went on the  
10:11:18 24 trip?

10:11:18 25 A. Yeah, and a couple of FBI personnel.

10:11:22 1 Q. When you arrived, did you continue to communicate with  
10:11:26 2 Mr. Qu?

10:11:28 3 A. Yes.

10:11:28 4 Q. And how did you communicate with him?

10:11:30 5 A. Through WeChat.

10:11:32 6 Q. Did you have phone calls with him as well?

10:11:37 7 A. Yes.

10:11:40 8 MS. GLATFELTER: Permission to show the witness and  
10:11:41 9 publish to the jury 77c, which has been admitted?

10:11:45 10 THE COURT: Yes.

10:11:45 11 BY MS. GLATFELTER:

10:11:49 12 Q. Do you see the document on your screen, sir?

10:11:51 13 A. Yes.

10:11:54 14 Q. And what are we looking at on the screen?

10:11:58 15 A. This is a WeChat communicate I had with Mr. Qu under  
10:12:01 16 the direction of FBI.

10:12:03 17 Q. Okay. Now, I want to focus your attention to the left  
10:12:06 18 side of that screen. Do you see the picture that's there?

10:12:09 19 A. Yes.

10:12:10 20 Q. Okay. And what is that?

10:12:12 21 A. It's his WeChat profile picture.

10:12:17 22 Q. Okay. And is this different than the one that we saw  
10:12:21 23 earlier?

10:12:21 24 A. Yeah, it is different.

10:12:23 25 THE COURT: Is it visible on the screen?



10:12:26 1 BY MS. GLATFELTER:

10:12:27 2 Q. Yes. Is it visible on the screen?

10:12:30 3 THE COURT: I'm asking your technician.

10:12:32 4 MS. GLATFELTER: Yes.

10:12:32 5 THE COURT: Very well.

10:12:35 6 MS. GLATFELTER: I'm sorry. I didn't know if you

10:12:37 7 wanted --

10:12:37 8 THE COURT: Does it need to go up or down?

10:12:40 9 MS. GLATFELTER: No.

10:12:40 10 BY MS. GLATFELTER:

10:12:40 11 Q. And you're talking about the small picture on the left?

10:12:43 12 A. That's correct.

10:12:44 13 Q. Is that sort of an icon when you're using WeChat?

10:12:47 14 A. Yes.

10:12:50 15 MS. GLATFELTER: One moment, Your Honor.

10:12:51 16 THE COURT: You're doing fine.

10:12:58 17 MS. GLATFELTER: The jury can see the document okay?

10:13:01 18 (Nodding heads.)

10:13:04 19 BY MS. GLATFELTER:

10:13:04 20 Q. How did you know that this was Mr. Qu when you were

10:13:08 21 communicating?

10:13:09 22 A. He first send France request and with a greeting

10:13:18 23 message.

10:13:19 24 Q. Okay. And did you later have phone calls with him that

10:13:23 25 confirmed it was him?

ZHENG - DIRECT (Glatfelter)

34

10:13:24 1 A. Yes.

10:13:26 2 Q. All right. And was this a different account than the one

10:13:28 3 he had been using previously?

10:13:30 4 A. It is different.

10:13:35 5 Q. Now, did you continue to communicate with Mr. Qu while

10:13:41 6 you were in Belgium?

10:13:43 7 A. Yes.

10:13:43 8 Q. Was that at the instruction of the FBI?

10:13:46 9 A. Yes.

10:13:47 10 Q. And, generally, what was the topic of your communications

10:13:52 11 in Belgium?

10:13:53 12 A. About where we meet and when should we meet.

10:13:58 13 Q. Okay. And can you describe to the jury what you mean by

10:14:01 14 that?

10:14:02 15 A. Basically a phone call about which city or country that

10:14:11 16 we will meet and the meeting time on which day.

10:14:18 17 Q. Okay. Was there a particular place that Mr. Qu wanted to

10:14:24 18 meet?

10:14:24 19 A. Yes. He want me -- want to meet at Lasergamen, in

10:14:31 20 Amsterdam.

10:14:33 21 Q. And were you able to go to Amsterdam?

10:14:39 22 A. I did not go. It was under the direction of FBI. We

10:14:44 23 had to meet at Belgium.

10:14:45 24 Q. Okay. And eventually did you agree to meet in Belgium

10:14:50 25 with Mr. Qu?

ZHENG - DIRECT (Glatfelter)

35

10:14:50 1 A. Yes.

10:14:51 2 Q. And did he show up to your meeting?

10:14:55 3 A. He did not.

10:14:56 4 Q. At this point, I want to pivot and I want to talk about

10:15:04 5 your trip to China in 2017, okay?

10:15:09 6 A. Okay.

10:15:10 7 Q. And you mentioned before that prior to your trip you were

10:15:15 8 communicating with Mr. Chen?

10:15:18 9 A. Yes.

10:15:19 10 Q. How did those communications start?

10:15:21 11 A. It started with he sent a request for the LinkedIn,

10:15:32 12 which is a professional social network. He was asking me to

10:15:37 13 give a presentation to NUAA.

10:15:42 14 Q. So did he contact you or did you contact him?

10:15:45 15 A. He contact me.

10:15:48 16 Q. And you mentioned NUAA. What does that stand for?

10:15:52 17 A. It's National University of Aeronautical and Aerospace.

10:16:03 18 Q. All right. And is the abbreviation NUAA?

10:16:07 19 A. Yes.

10:16:08 20 Q. Did you have any affiliation with NUAA when Mr. Chen

10:16:12 21 contacted you?

10:16:13 22 A. No.

10:16:13 23 Q. Do any of your family members or relatives have any

10:16:16 24 relationships with NUAA?

10:16:18 25 A. No.

ZHENG - DIRECT (Glatfelter)

36

10:16:19 1 Q. Do you know whether any of your colleagues at GE Aviation  
10:16:24 2 have any association with NUAA?

10:16:26 3 A. No.

10:16:30 4 Q. Did you know Mr. Chen before this contact?

10:16:33 5 A. No.

10:16:34 6 Q. Now, you mentioned that your initial communication with  
10:16:41 7 him happened through LinkedIn; is that right?

10:16:45 8 A. That's correct.

10:16:46 9 Q. Is there a way to send messages to people on LinkedIn?

10:16:51 10 A. You can.

10:16:52 11 Q. And does your LinkedIn profile, did it list your  
10:16:57 12 affiliation with GE Aviation at that time?

10:16:59 13 A. Yes.

10:17:03 14 Q. And did it list anything about your career, what type of  
10:17:07 15 work you were involved in?

10:17:09 16 A. It list briefly one of my -- what my work at  
10:17:13 17 different -- at GE and what's my work from my graduate  
10:17:21 18 degree, my education.

10:17:26 19 Q. Now, earlier you mentioned that you transitioned from  
10:17:30 20 LinkedIn to another form of communication.

10:17:33 21 A. That's correct.

10:17:34 22 Q. And what was that second method you communicated with  
10:17:38 23 him?

10:17:38 24 A. Through email.

10:17:41 25 MS. GLATFELTER: May I please publish to the jury

ZHENG - DIRECT (Glatfelter)

37

10:17:43 1 and to the witness Exhibit 60b, which has been admitted?

10:17:47 2 THE COURT: Yes.

10:17:51 3 MS. GLATFELTER: And if we can zoom in there.

10:17:54 4 BY MS. GLATFELTER:

10:17:55 5 Q. Do you recognize this document?

10:17:58 6 A. Yes.

10:18:03 7 Q. Okay. And if we can have a look at page 2 and 3 just so  
10:18:08 8 the witness -- make sure the witness is seeing what we're  
10:18:11 9 referring to.

10:18:13 10 MS. GLATFELTER: Okay. And the next page? All  
10:18:15 11 right.

10:18:16 12 And if we can go back to page 1.

10:18:19 13 BY MS. GLATFELTER:

10:18:19 14 Q. So do you recognize these?

10:18:21 15 A. Yes.

10:18:27 16 Q. And what are they?

10:18:28 17 A. This email from Mr. Chen Feng.

10:18:34 18 Q. And that's the Mr. Chen that we have been referring to  
10:18:38 19 here this morning?

10:18:38 20 A. That's correct.

10:18:38 21 Q. And what time period did these communications occur in?

10:18:43 22 A. Can you repeat your question?

10:18:46 23 Q. Sure. What time period, generally, did these  
10:18:49 24 communications occur in?

10:18:51 25 A. This is around March of 2017.

ZHENG - DIRECT (Glatfelter)

38

10:18:56 1 Q. Okay. And can you read the email to the jury? That you  
10:19:04 2 received.

10:19:04 3 Well, let me ask you a question. Was this the first  
10:19:07 4 email that you received from Mr. Chen?

10:19:09 5 A. Yes.

10:19:14 6 Q. Okay. And can you read that to the jury, please?

10:19:17 7 And you can back off your microphone just a little bit,  
10:19:20 8 okay? There you go.

10:19:21 9 A. "Hello. I'm sorry to bother you. I, Chen Feng, am in  
10:19:28 10 charge of International Cooperation and Exchange Office at  
10:19:33 11 NUAA. I am mainly in charge of matters related to the  
10:19:38 12 exchanges with NUAA's overseas alumni, friendly  
10:19:47 13 universities, and well-known institutions and business  
10:19:51 14 people to promote NUAA's international exchange and  
10:19:57 15 cooperation and drive NUAA's development of academic and  
10:20:05 16 scientific research.

10:20:08 17 "I learned from your online resume that you have  
10:20:12 18 accumulated a wealth of engineering experience in well-known  
10:20:18 19 companies such as GE Aviation. In recent years, NUAA has  
10:20:25 20 experienced rapid development, and the exchanges with  
10:20:30 21 overseas high-level talents are increasingly frequent. This  
10:20:38 22 has effectively strengthened the scientific research at  
10:20:45 23 NUAA. Many eminent talents like you are willing to come to  
10:20:53 24 NUAA to share their experience of success with NUAA faculty  
10:21:00 25 and students. I would like to take this opportunity to

ZHENG - DIRECT (Glatfelter)

39

10:21:07 1 cordially invite you to come to NUAA for a visit and  
10:21:13 2 exchange. There is no restrictions -- restriction on the  
10:21:19 3 format of the exchange, and details can be agreed upon  
10:21:24 4 later. NUAA can pay for the cost of your trip back to China  
10:21:30 5 for the exchange. If you are interested, please feel free  
10:21:35 6 to contact me.

10:21:38 7 "And my business email is jeremy@nuaa.edu.cn."

10:21:49 8 Q. In his first email to you, did Mr. Chen mention your  
10:21:52 9 affiliation with GE Aviation?

10:21:54 10 A. Yes.

10:21:55 11 Q. And did you write back to Mr. Chen?

10:22:02 12 A. Can you repeat question?

10:22:05 13 Q. Did you respond to Mr. Chen's email?

10:22:08 14 A. Yes.

10:22:08 15 Q. Okay.

10:22:10 16 MS. GLATFELTER: If we can go to page 3, please.

10:22:19 17 And if we -- that's perfect.

10:22:23 18 BY MS. GLATFELTER:

10:22:23 19 Q. And was this your response to Mr. Chen?

10:22:25 20 A. Yes.

10:22:26 21 Q. And at the time that you were corresponding with  
10:22:35 22 Mr. Chen, were you planning to go back to China?

10:22:38 23 A. Yes.

10:22:39 24 Q. Okay. And what, if anything, did you tell him about your  
10:22:43 25 itinerary?

ZHENG - DIRECT (Glatfelter)

40

10:22:44 1 A. I said I was planning to make a trip back to China in  
10:22:49 2 May to visit my parents. And if I will pass by Nanjing,  
10:22:57 3 which is where the NUAA located, and I can -- if time allow,  
10:23:03 4 I can have a visit to NUAA.

10:23:06 5 Q. Okay. And did you continue corresponding with Mr. Chen  
10:23:11 6 through email?

10:23:11 7 A. Yes.

10:23:14 8 MS. GLATFELTER: If we can turn to page 12.

10:23:18 9 THE COURT: Yes.

10:23:20 10 MS. GLATFELTER: Thank you, Your Honor.

10:23:26 11 BY MS. GLATFELTER:

10:23:27 12 Q. Do you see the document on your screen?

10:23:28 13 A. Yes.

10:23:30 14 Q. Is this one of the emails from the emails that you  
10:23:34 15 exchanged back and forth with Mr. Chen?

10:23:37 16 A. Yes.

10:23:37 17 Q. And can you go ahead and read this email to the jury?

10:23:43 18 A. "How are you?

10:23:44 19 "I have already contact the College of Energy and Power  
10:23:51 20 Engineering here. They made a suggestion for your  
10:23:55 21 presentation: 'Application, Design, and Manufacturing  
10:24:02 22 Technologies of Composite Materials in Aircraft of Engines.'

10:24:11 23 "In terms of the content, it is suggested that you talk  
10:24:15 24 about the following:

10:24:18 25 "Number 1, latest development in the application of



ZHENG - DIRECT (Glatfelter)

41

10:24:22 1 composite materials in aircraft engines.

10:24:27 2 "Number 2, development of design and analysis technique  
10:24:35 3 and the manufacturing technologies of composite structural  
10:24:40 4 materials for engines.

10:24:42 5 "In the meantime, you can also propose contents that  
10:24:47 6 you would like to do in the exchange and in which you have  
10:24:52 7 expertise. I can discuss that with the college on our side.

10:25:03 8 "In terms of time, it is tentatively scheduled for  
10:25:10 9 around June 1st. After you have finalized the itinerary in  
10:25:16 10 China, you can send me a copy of your schedule so I can make  
10:25:22 11 arrangements for your room and board.

10:25:26 12 "Thanks again, and we welcome you to come to NUAA to  
10:25:32 13 give lectures and do exchange."

10:25:36 14 Q. All right. Now, at the time that he sent -- Mr. Chen  
10:25:41 15 sent this email to you, did he know your affiliation with GE  
10:25:45 16 Aviation?

10:25:45 17 A. Yes.

10:25:49 18 MS. GLATFELTER: And if we could turn to the next  
10:25:51 19 page, page 13, please.

10:26:04 20 BY MS. GLATFELTER:

10:26:04 21 Q. And did you respond to his email?

10:26:08 22 A. Yes.

10:26:12 23 Q. All right. And what did you tell him about the topics  
10:26:18 24 that he had proposed to you in a prior email?

10:26:21 25 A. I respond to him regarding the presentation or the

ZHENG - DIRECT (Glatfelter)

42

10:26:26 1 seminar. "I think both subjects where he proposed are good.  
10:26:32 2 However, I'm required to sign a technical agreement with the  
10:26:38 3 company that I work for here. Therefore, a lot of work that  
10:26:45 4 I have conducted at the company cannot be -- could not be  
10:26:49 5 shared. I can only participate in a seminar or give a  
10:26:54 6 general presentation."

10:26:57 7 Q. And why did you write that paragraph to him?

10:26:59 8 A. I do not want to share -- I did not want to share GE  
10:27:05 9 proprietary information.

10:27:08 10 Q. Were you concerned that the proposed topic would touch on  
10:27:12 11 GE Aviation -- that might touch on GE Aviation material?

10:27:15 12 A. Yes.

10:27:19 13 MS. GLATFELTER: And if we can go to page 18,  
10:27:24 14 please.

10:27:29 15 BY MS. GLATFELTER:

10:27:30 16 Q. And how did Mr. Chen react to your email?

10:27:33 17 A. He said, "Regarding the content, we fully respect your  
10:27:41 18 opinions and they will only discuss general topics in the  
10:27:47 19 area of engine materials that will not violate company's  
10:27:53 20 technical agreement requirements."

10:27:57 21 Q. So at this point, does he talk about the arrangements of  
10:28:03 22 your trip?

10:28:05 23 A. Yes. He talk about in the second paragraph, he said,  
10:28:10 24 "The leaders of the college would have specially planned to  
10:28:16 25 host a welcome dinner party to -- for the visit and for the

ZHENG - DIRECT (Glatfelter)

43

10:28:23 1 presentation."

10:28:24 2 Q. Okay. And does he also say, "The leaders of the college  
10:28:27 3 have specially planned to host a welcoming dinner party to  
10:28:31 4 express our gratitude and show our friendship as the host in  
10:28:36 5 our hope to establish a long-term academic cooperation  
10:28:40 6 relationship with you?"

10:28:43 7 A. Yes.

10:28:43 8 Q. Does he also say, "The leaders of the college have told  
10:28:46 9 me multiple times that they hoped you could stay over for a  
10:28:49 10 night in Nanjing after the exchange, and we can arrange the  
10:28:53 11 relevant lodging for you?"

10:28:54 12 A. Yes.

10:28:55 13 Q. And how does he suggest that you -- you arrive in  
10:29:01 14 Nanjing?

10:29:02 15 A. He suggested they can arrange a chartered vehicle to  
10:29:10 16 take me from Chuzhou to Nanjing.

10:29:20 17 Q. As it got closer to the trip -- let me back up a minute.  
10:29:24 18 What's the date of this email?

10:29:27 19 A. It's on May, May 18 of 2017.

10:29:28 20 Q. And when was your trip to China?

10:29:30 21 A. It's on May 25th of 2017.

10:29:34 22 Q. So this is a little more than a week before your trip?

10:29:38 23 A. That's correct?

10:29:38 24 Q. And as it got closer to the trip, did you exchange  
10:29:42 25 contact information with Mr. Chen?

ZHENG - DIRECT (Glatfelter)

44

10:29:44 1 A. Can you repeat your question?

10:29:50 2 Q. Did you -- as it got closer to the trip, did you exchange

10:29:54 3 contact information with Mr. Chen?

10:29:55 4 A. Yes. I exchange -- he ask for the WeChat.

10:30:01 5 Q. And is that how you communicated with him when you

10:30:04 6 arrived in China?

10:30:05 7 A. That's correct.

10:30:06 8 Q. We'll come back to the WeChat messages in a few minutes.

10:30:11 9 Before you left, I want to talk about your preparation

10:30:14 10 for the trip, all right? You said you left on what date?

10:30:18 11 A. May 25th.

10:30:21 12 Q. And to prepare for your presentation, what, if anything,

10:30:25 13 did you do, before you left?

10:30:27 14 A. I was preparing presentations based on public, some

10:30:33 15 public information. In addition, I zipped five GE training,

10:30:41 16 GE proprietary training material and saved it to my personal

10:30:46 17 computer.

10:30:49 18 Q. And were these the five files that you were referencing

10:30:52 19 early about export controlled?

10:30:56 20 A. That's correct.

10:30:57 21 Q. Did you ask anyone at GE for permission to take these

10:31:00 22 five files to China?

10:31:02 23 A. I did not.

10:31:03 24 Q. And how did you use these files once you were in China?

10:31:07 25 A. I was basically refining the presentation I prepared

10:31:13 1 before my trip and reference some of the contents in the  
10:31:19 2 training material.

10:31:20 3 Q. Okay. Did you share these files with anyone?

10:31:27 4 A. No.

10:31:27 5 Q. You didn't share them with anyone while you were in  
10:31:29 6 China?

10:31:30 7 A. No.

10:31:31 8 MS. GLATFELTER: Now, may I please show the witness  
10:31:33 9 what has been marked as Exhibit 61? And this has not been  
10:31:37 10 admitted yet, so just the witness.

10:31:39 11 THE COURT: Show it to the witness and counsel.

10:31:45 12 MS. GLATFELTER: Yes, please.

10:31:46 13 And if we could turn to page 2 so the witness can see the  
10:31:50 14 different pages in this exhibit. Thank you.

10:31:53 15 BY MS. GLATFELTER:

10:31:53 16 Q. Do you recognize this?

10:31:54 17 A. Yes.

10:31:55 18 Q. And what are these?

10:31:56 19 A. This is preliminary itinerary for my trip.

10:32:03 20 Q. Is this something that you prepared?

10:32:04 21 A. Yes.

10:32:08 22 MS. GLATFELTER: I'd move to admit Exhibit 61 and  
10:32:11 23 publish to the jury?

10:32:14 24 MR. McBRIDE: No objection, Your Honor.

10:32:15 25 THE COURT: Admitted. Publish.

10:32:17 1 (Government's Exhibit 61 was received in evidence.)

10:32:17 2 BY MS. GLATFELTER:

10:32:18 3 Q. Okay. Can you explain to the jury what page 2 is?

10:32:22 4 A. Page 2 is which dates, what I am going to do, when, and  
10:32:28 5 where I arrive.

10:32:31 6 Q. Okay. And why did you prepare this?

10:32:33 7 A. I have -- I had a very condensed schedule, so I just  
10:32:40 8 want to plan ahead.

10:32:42 9 Q. And you are detail oriented, right?

10:32:46 10 A. Yes.

10:32:46 11 Q. So you have an itinerary you created before your trip?

10:32:51 12 A. Yes.

10:32:51 13 MS. GLATFELTER: Now, if we scroll down to the  
10:32:53 14 bottom.

10:32:53 15 BY MS. GLATFELTER:

10:32:56 16 Q. I notice that your trip to NUAA is not on your itinerary.

10:33:03 17 A. Yes.

10:33:04 18 Q. Okay. Was the trip finalized when you made the  
10:33:06 19 itinerary?

10:33:08 20 A. It was not. That's why it was not in my itinerary.

10:33:13 21 Q. Now, when you left for China, how did you travel to get  
10:33:17 22 there?

10:33:17 23 A. Can you repeat your question?

10:33:20 24 Q. Sure. When you left for China, how did you get there?

10:33:24 25 A. I took a plane from Detroit to Shanghai.

ZHENG - DIRECT (Glatfelter)

47

10:33:32 1 Q. Did you travel with anyone on your trip?

10:33:34 2 A. No.

10:33:37 3 Q. And did you take any electronic devices with you when you

10:33:40 4 traveled?

10:33:41 5 A. I took my personal computer and my personal phone.

10:33:48 6 Q. Did you take your GE computer?

10:33:50 7 A. No.

10:33:51 8 Q. Did you tell anyone on the trip that you brought your

10:33:57 9 personal computer, not your GE computer?

10:33:59 10 A. Can you repeat your question?

10:34:03 11 Q. Sure. Did you tell anyone on the trip that you brought

10:34:07 12 your personal computer, not your GE computer?

10:34:10 13 A. I told my boss before my trip, I said, I will not bring

10:34:16 14 GE computer. And I told my wife I will bring a personal

10:34:23 15 computer.

10:34:24 16 Q. Okay. I mean once you got to China, did you tell anyone

10:34:27 17 in China that you brought your personal computer and not your

10:34:30 18 GE computer?

10:34:31 19 A. I did not understand the question. Sorry.

10:34:39 20 Q. Did you tell anyone in China that you had your personal

10:34:43 21 computer with you?

10:34:43 22 A. During the presentation, I told the NUAA students and

10:34:52 23 professors that I brought my personal computer.

10:34:55 24 Q. Okay. And we'll come back to your presentation in a few

10:35:00 25 minutes.

ZHENG - DIRECT (Glatfelter)

48

10:35:02 1 MS. GLATFELTER: May I please publish 64a, which has  
10:35:07 2 been admitted into evidence?

10:35:09 3 THE COURT: Yes.

10:35:09 4 BY MS. GLATFELTER:

10:35:09 5 Q. You mentioned before that you communicated with Mr. Chen  
10:35:12 6 over WeChat when you arrived in China.

10:35:16 7 Do you recognize Exhibit 64a?

10:35:20 8 A. Yes. This is the WeChat communication I had with  
10:35:25 9 Mr. Chen Feng.

10:35:27 10 Q. And has your name been replaced with "Employee 1"  
10:35:32 11 during -- in these communications?

10:35:34 12 A. It was not.

10:35:36 13 Q. Okay. So today in court we see the term "Employee 1,"  
10:35:40 14 but previously did it use your name?

10:35:42 15 A. Yes.

10:35:45 16 Q. Okay. If we can go ahead and read through -- we can read  
10:35:51 17 through this WeChat. If you will read the green messages,  
10:35:56 18 I'll read the messages from Mr. Chen, okay?

10:36:00 19 A. Sure.

10:36:01 20 "Sure, what's your arrangement for the 2nd? What time  
10:36:04 21 should I be there?"

10:36:08 22 Q. "Our side will pick you up in the evening of the 1st. We  
10:36:11 23 will meet and chat in the morning of the 2nd, and then we will  
10:36:14 24 have a lunch reception around the school. The lecture and  
10:36:18 25 communication will be at 14:30 in the school and follows a



ZHENG - DIRECT (Glatfelter)

49

10:36:24 1 dinner. You will then take the high-speed rail back to  
10:36:29 2 Shanghai around 20:40.

10:36:33 3 The schedule is a little tight. The hotel you are  
10:36:36 4 staying in is booked at Grand Metro Hotel for now. There will  
10:36:42 5 be dinner receptions at a restaurant near the school and at  
10:36:45 6 the school hotel. The communication and exchange will be  
10:36:48 7 mainly with the faculty and students at NUAA College of Energy  
10:36:55 8 and Power Engineering, about one and a half to two hours  
10:36:58 9 length."

10:37:01 10 **A.** "Mr. Chen, how about this. I can come to Nanjing from  
10:37:07 11 Beijing in the morning of June 2nd. I can be at the Nanjing  
10:37:15 12 South Railway Station. We can stop by and drop off the  
10:37:19 13 luggage at the hotel, then head straight to the school. We  
10:37:25 14 can do the lecture in the afternoon, dinner in the evening.  
10:37:29 15 Then I will head to Shanghai from Nanjing in the early  
10:37:34 16 morning of June 3rd to catch out the flight at 12 p.m.

10:37:42 17 "This way it will not delay your time in the morning  
10:37:47 18 and have plenty of time in the afternoon."

10:37:52 19 MS. GLATFELTER: Okay. If we could turn to the next  
10:37:54 20 page.

10:37:54 21 BY MS. GLATFELTER:

10:37:55 22 **Q.** "Mr. Employee 1, regarding to the fund used to cover this  
10:38:00 23 travel, we applied for it from the Province S & T Promotion  
10:38:06 24 Association. They are very aware of your visit this time and  
10:38:09 25 they want to meet with you in the morning of the 2nd.

ZHENG - DIRECT (Glatfelter)

50

10:38:12 1 Therefore, I think you should plan" -- I'm sorry -- "I think  
10:38:17 2 you should still arrive in the evening of the 1st according to  
10:38:20 3 the original plan."

10:38:21 4 If we can stop there. I wanted to ask you a question.  
10:38:27 5 Was -- had you heard about a meeting in the morning of the 2nd  
10:38:30 6 before this message?

10:38:31 7 A. Can you repeat your question?

10:38:35 8 Q. Sure. Prior to receiving this message, were you aware of  
10:38:41 9 a meeting that would occur on the morning of the 2nd?

10:38:44 10 A. I was not.

10:38:46 11 Q. This was the first time that you had heard about it?

10:38:49 12 A. Yes.

10:38:49 13 Q. What about the funding used for the trip? Did you know  
10:38:53 14 that it would come from the Province S & T Promotion  
10:38:57 15 Association?

10:38:57 16 A. In some of the email he may mention. I don't remember  
10:39:03 17 exactly.

10:39:04 18 Q. But this was the first time you heard about a meeting?

10:39:07 19 A. Yes.

10:39:08 20 Q. Okay. If we can continue reading. You can start with  
10:39:14 21 the next green box.

10:39:15 22 A. "Okay."

10:39:17 23 "Thank you for the coordination."

10:39:20 24 Q. "Thank you very much. Sorry for the busy schedule for  
10:39:25 25 this meeting. See you then."

ZHENG - DIRECT (Glatfelter)

51

10:39:27 1 "Hello, Mr. Employee 1. Can you forward me your flight  
10:39:30 2 information so I can pick you up from the airport?"  
10:39:34 3 A. "I will be taking the high-speed rail from Beijing to  
10:39:38 4 Nanjing South Railway Station. I will arrive at 22:47."  
10:39:53 5 It's 10:47 in the evening.  
10:39:57 6 "On June 1st."  
10:40:00 7 "I will be taking the high-speed rail to Shanghai in  
10:40:04 8 the evening."  
10:40:07 9 Q. And if we can continue, please.  
10:40:14 10 A. "Of the June 2nd."  
10:40:17 11 "Mr. Chen, due to the shortage of the flight tickets,  
10:40:21 12 my train ticket has been changed to depart from Nanjing  
10:40:29 13 South Railway Station in the evening of 7:48 on June 2nd."  
10:40:35 14 "My arrival time is 10:47 p.m. from Beijing to Nanjing  
10:40:45 15 South Railway Station on June 1st."  
10:40:47 16 "Contact me via WeChat if there's anything. Thanks."  
10:40:53 17 Q. "Mr. Employee 1, the train you booked, G7125, from 1948  
10:41:00 18 to 21:51, total travel time is two hours and three minutes.  
10:41:06 19 The train afterwards, G1235, is from 20:44 to 22:05, and the  
10:41:16 20 total travel time is one hour and twenty-one minutes. You can  
10:41:20 21 delay your departure by fifty-six minutes and arrive only  
10:41:23 22 fourteen minutes later than the previous train. Overall, the  
10:41:27 23 time will be more flexible and can avoid the rush hour. If  
10:41:31 24 possible, I recommend you take this train."  
10:41:34 25 "I will pick you up tonight at the exit of Nanjing South

ZHENG - DIRECT (Glatfelter)

52

10:41:40 1 Railway Station."

10:41:42 2 A. "I did ask last night. They said that I cannot change

10:41:47 3 the schedule due to the ticket shortage. I will try again

10:41:51 4 today."

10:41:52 5 Q. "Thank you."

10:41:54 6 And if we continue to page 4.

10:41:58 7 A. "I have changed to G1235, depart from Nanjing South

10:42:08 8 Railway Station at 20:44."

10:42:11 9 Q. "Many troubles. See you in the evening."

10:42:14 10 "Hi, teacher 1. There are two exits here. Train Arrival

10:42:20 11 (East, West), 2. I am at the Train Arrival East 2."

10:42:27 12 A. "Thank you for staying up so late. Thank you. See you

10:42:31 13 tomorrow. Good night."

10:42:33 14 Q. "You're welcome. Good night. See you tomorrow morning."

10:42:36 15 Okay. These last two messages, did these occur before or

10:42:40 16 after Mr. Chen picked you up?

10:42:42 17 A. This is after he pick me up.

10:42:50 18 Q. Okay. And where did he pick you up?

10:42:54 19 A. He pick me up from the train station.

10:42:57 20 Q. So he met you there?

10:42:59 21 A. Yes.

10:43:00 22 Q. And how did he pick you up?

10:43:04 23 A. He was driving a car.

10:43:08 24 Q. Was he by himself?

10:43:10 25 A. Yes.

ZHENG - DIRECT (Glatfelter)

53

10:43:11 1 Q. Okay. And what kind of car did he have?

10:43:13 2 A. I don't remember exactly. It's a nice car.

10:43:18 3 Q. And from the train station, where did you go?

10:43:20 4 A. We went directly to NUAA campus hotel.

10:43:25 5 Q. Did you have to check in when you got to the hotel?

10:43:29 6 A. Yes. We check in the lobby. He said the room is

10:43:34 7 already booked.

10:43:37 8 Q. Okay. Had he taken care of the room? Is that what you

10:43:41 9 mean by "booked"?

10:43:41 10 A. Yes.

10:43:42 11 Q. So did you have to use a credit card or pay for the room?

10:43:47 12 A. No.

10:43:47 13 Q. And then where did you go from the lobby of the hotel?

10:43:53 14 A. To -- directly to my room that is reserved.

10:43:58 15 Q. Okay. And can you describe the hotel for the jury?

10:44:01 16 A. It's a high-rise hotel inside the campus.

10:44:09 17 MS. GLATFELTER: May I please show the witness

10:44:11 18 Exhibit 63a? This would be an exhibit that's not admitted yet

10:44:18 19 so should be shown the witness and counsel.

10:44:20 20 THE COURT: Show 63a to the witness and counsel.

10:44:23 21 And in due course, we are going to need to break for our

10:44:26 22 midmorning break.

10:44:28 23 MS. GLATFELTER: We can break now. That's fine,

10:44:29 24 Your Honor.

10:44:30 25 THE COURT: Very well. A quarter of.

ZHENG - DIRECT (Glatfelter)

54

10:44:32 1 We are going to take our midmorning break. We'll break  
10:44:35 2 for 20 minutes. I want you to take a break, not discuss the  
10:44:39 3 case among yourselves or with anyone else. No independent  
10:44:41 4 research. Enjoy the time away.

10:44:43 5 We'll rise out of respect for you as you leave.

10:44:47 6 THE COURTROOM DEPUTY: All rise for the jury.

10:44:48 7 (Jury out at 10:44 a.m.)

10:45:21 8 THE COURT: The jury's left the room. We're going  
10:45:26 9 to break for 20 minutes. The government will admonish the  
10:45:29 10 witness. I'll see you in 20 minutes. We're in recess.

10:45:36 11 THE COURTROOM DEPUTY: The court is now in recess.

10:45:39 12 (Recess from 10:45 a.m. until 11:06 a.m.)

11:06:32 13 THE COURT: Both teams are here. Are we ready for  
11:06:35 14 the jury, from the government's perspective?

11:06:38 15 MS. GLATFELTER: Yes, Your Honor.

11:06:38 16 THE COURT: Defense?

11:06:40 17 MR. McBRIDE: Yes, Your Honor.

11:06:40 18 THE COURT: Very well. Let's call for the jury.

11:08:04 19 THE COURTROOM DEPUTY: All rise for the jury.

11:08:06 20 (Jury in at 11:08 p.m.)

11:08:37 21 THE COURT: You may all be seated. Thank you.

11:08:40 22 15 jurors have rejoined us after break. Welcome back.  
11:08:46 23 We appreciate your work.

11:08:47 24 We will continue with the testimony of this witness who  
11:08:49 25 remains under oath.

## ZHENG - DIRECT (Glatfelter)

55

11:08:51 1 Ms. Glatfelter.

11:08:52 2 MS. GLATFELTER: Thank you, Your Honor.

11:08:53 3 BY MS. GLATFELTER:

11:08:53 4 Q. Before we broke, sir, I think you were describing your  
11:08:57 5 hotel in Nanjing. Do you remember that?

11:09:00 6 A. Yes.

11:09:02 7 MS. GLATFELTER: And if we may please show the  
11:09:04 8 witness and counsel -- I can't remember if we actually  
11:09:08 9 admitted 63 yet or were getting ready to, but we can go  
11:09:14 10 through the process again.

11:09:15 11 May I please show the witness Exhibit 63a.

11:09:15 12 BY MS. GLATFELTER:

11:09:19 13 Q. And do you recognize these -- what's depicted on 63a?

11:09:23 14 A. Yes.

11:09:24 15 Q. What are these?

11:09:26 16 A. These are the pictures of the hotel and the hotel room  
11:09:31 17 I was staying at.

11:09:32 18 On the right is Mr. Qu's business card?

11:09:36 19 Q. Are these pictures that you took while you were in  
11:09:38 20 Nanjing?

11:09:38 21 A. Yes.

11:09:40 22 MS. GLATFELTER: Move to admit and publish to the  
11:09:43 23 jury.

11:09:43 24 MR. McBRIDE: No objection, Your Honor.

11:09:45 25 THE COURT: Admitted. Show them to everybody.

11:09:51 1 (Government's Exhibit 63a, was received in evidence.)

11:09:51 2 BY MS. GLATFELTER:

11:09:51 3 Q. Sir, can you go through the pictures one by one and

11:09:55 4 explain to the jury what they are showing?

11:09:59 5 A. On the top left, that's the picture of outside the

11:10:02 6 hotel. On the bottom left, that's the room. The middle,

11:10:14 7 bottom middle, that's the picture of the hotel room. On the

11:10:21 8 right, it's Mr. Qu's business card.

11:10:24 9 Q. Now, when you arrived at the hotel, that was on June 1st,

11:10:28 10 right?

11:10:29 11 A. That's correct.

11:10:30 12 Q. Did you have any meetings the next morning, on June 2nd?

11:10:34 13 A. In the morning, I had a tea time, tea break time with

11:10:42 14 Mr. Qu, Mr. Cheng Feng, and another lady.

11:10:46 15 Q. Okay. Where did the meeting take place?

11:10:48 16 A. It's downstairs in the hotel.

11:10:52 17 Q. Okay.

11:10:53 18 A. In near the lobby.

11:10:57 19 Q. Was your room on a different floor than the first floor?

11:11:00 20 A. My room is on a different floor.

11:11:02 21 Q. You said it was on -- the meeting was in the hotel?

11:11:04 22 A. First floor.

11:11:07 23 Q. First floor, okay.

11:11:09 24 And did you bring your computer to the meeting?

11:11:11 25 A. I did not.



ZHENG - DIRECT (Glatfelter)

57

11:11:12 1 Q. Did you leave it in your room?

11:11:14 2 A. Yes.

11:11:15 3 Q. Okay. Now, who was at the meeting?

11:11:18 4 A. Mr. Cheng Feng, Mr. Qu, and Ms. Ji.

11:11:28 5 Q. And was that the first time that you had met Mr. Qu?

11:11:31 6 A. Yes.

11:11:32 7 Q. Did Mr. Chen introduce him or did he introduce himself?

11:11:38 8 A. Mr. Chen introduced them.

11:11:40 9 Q. And how did he make the introduction? What did he say?

11:11:44 10 A. He, Mr. Chen said Mr. Qu, he is the deputy director of

11:11:56 11 the Provincial Science and Technology Association.

11:12:01 12 Q. Okay. And you said there was another person there.

11:12:04 13 A. Yes.

11:12:04 14 Q. Who is that?

11:12:04 15 A. There's another lady, Ms. Ji. Ms. Ji.

11:12:10 16 Q. And how is that spelled for the court reporter?

11:12:11 17 A. J-I.

11:12:18 18 Q. Could you tell or did you know the relationship between

11:12:22 19 the deputy director and Ms. Ji.

11:12:27 20 A. From my first impression, Ms. Ji report to Mr. Qu.

11:12:33 21 Q. And can you tell the jury how you arrived at that

11:12:36 22 impression?

11:12:37 23 A. Basically in the conversations, very casual

11:12:50 24 conversations. This is from my first impression. I can see

11:12:54 25 Ms. Ji listen to Mr. Qu also time.

ZHENG - DIRECT (Glatfelter)

58

11:13:01 1 Q. And is that -- was that meaningful to you?

11:13:09 2 A. Based on my understanding, Mr. Qu had a higher ranking

11:13:17 3 than Ms. Ji, and I did not ask.

11:13:19 4 Q. Okay. And what was the -- how long did the meeting last?

11:13:21 5 A. It's about a half an hour.

11:13:25 6 Q. And what, if anything, did you talk about during that

11:13:27 7 half hour?

11:13:28 8 A. Very general. About my -- where I live in the U.S.,

11:13:34 9 where is my hometown. They talk about their -- where they

11:13:38 10 live, very general.

11:13:40 11 Q. All right. At the time of the meeting, did director --

11:13:44 12 Deputy Director Qu know that you worked for GE Aviation?

11:13:50 13 A. Yes.

11:13:50 14 Q. Did he ask you anything about your work?

11:13:52 15 A. He very briefly asked where I work. That's about it.

11:13:58 16 Not very specific.

11:14:00 17 Q. During that meeting, did anyone ask you about information

11:14:06 18 related to your work at GE Aviation?

11:14:08 19 A. No, they did not ask.

11:14:13 20 Q. Afterwards, what happened?

11:14:16 21 A. Afterwards, I went back to my hotel for a short break.

11:14:26 22 Then Mr. Chen Feng pick me up to go for -- to a restaurant

11:14:33 23 for lunch together before the presentation.

11:14:39 24 Q. And when Mr. Chen picked you up, did he come up to your

11:14:44 25 room or did he wait for you in the lobby?

ZHENG - DIRECT (Glatfelter)

59

11:14:46 1 A. He waited for me in the lobby.

11:14:47 2 Q. Now, when you went back to your room -- you said you had

11:14:50 3 left your personal computer in the room during the coffee

11:14:54 4 meeting or the tea meeting?

11:14:55 5 A. Yes.

11:14:56 6 Q. Okay. And was it still in your room when you got there?

11:14:59 7 A. It was still in my room.

11:15:00 8 Q. And did you notice whether or not it had moved at all?

11:15:03 9 A. I did not notice any difference.

11:15:07 10 Q. You said that Mr. Chen picked you up, and where did you

11:15:13 11 go when he picked you up?

11:15:14 12 A. We went to outside the rest -- a restaurant outside of

11:15:21 13 campus.

11:15:22 14 Q. And who was at the lunch meeting?

11:15:24 15 A. Ms. -- Ms. Ji and Mr. Qu and Mr. Chen Feng.

11:15:32 16 Q. The same people that were at the meeting in the morning?

11:15:34 17 A. That's correct.

11:15:35 18 Q. And how long did the lunch meeting last?

11:15:37 19 A. About 45 minutes to an hour.

11:15:41 20 Q. And can you describe for us the topics of conversation?

11:15:45 21 A. It's very similar to the morning. Very general. Like

11:15:51 22 where are you work. Very casual discussion.

11:15:57 23 Q. And after lunch, what did you do?

11:16:00 24 A. We came back to the campus and went to one of the

11:16:08 25 office building in NUAA to prepare, set up for the

ZHENG - DIRECT (Glatfelter)

60

11:16:12 1 presentation in the afternoon.

11:16:16 2 Q. And did you give a presentation?

11:16:18 3 A. Yes, I did.

11:16:19 4 Q. Who was in attendance at your presentation?

11:16:23 5 A. From what I can see, it's about 20, 20 to 25 students,  
11:16:30 6 including some professors.

11:16:31 7 Q. And did anyone tell you that they were students and  
11:16:36 8 professors?

11:16:38 9 A. No. One student asked me the question, he introduce he  
11:16:43 10 was -- he's a Ph.D. student.

11:16:46 11 Q. All right. And how long did your presentation last?

11:16:49 12 A. About one hour to one and a half hour.

11:16:56 13 Q. Did you have slides for that presentation?

11:17:00 14 A. Yes, I prepared slides for the presentation.

11:17:03 15 Q. And how were you able to show people your slides during  
11:17:08 16 the presentation?

11:17:08 17 A. I was trying to show from my personal computer that I  
11:17:14 18 carry with me, and I had trouble to project the presentation  
11:17:20 19 at the beginning. There were some technical issues. They  
11:17:25 20 tried to help, and one student bring -- brought up a thumb  
11:17:32 21 drive and tried to copy my presentation to the computer, the  
11:17:39 22 school computer in that room.

11:17:43 23 Then later on it still did not work, and I remember at  
11:17:48 24 the end I accessed the presentation through log-on to my  
11:17:54 25 email account from the public computer in that room and

ZHENG - DIRECT (Glatfelter)

61

11:17:58 1 project it from there.

11:18:00 2 Q. So you said you first tried to project it, did you say  
11:18:04 3 directly from your computer?

11:18:05 4 A. Yes.

11:18:06 5 Q. And were you able to do that?

11:18:07 6 A. No. It did not work.

11:18:12 7 Q. And so the next step was a student tried to help you, and  
11:18:15 8 how did a student try to help you?

11:18:17 9 A. He was trying to copy -- I was trying to copy my  
11:18:20 10 presentation into his thumb drive, and then he took that  
11:18:25 11 thumb drive to the public computer in the room. And it  
11:18:30 12 still did not work.

11:18:31 13 Q. And when you say you tried to copy with a thumb drive,  
11:18:33 14 did he put the thumb drive into your computer?

11:18:35 15 A. Yes.

11:18:37 16 Q. And were you able to use that thumb drive to project your  
11:18:39 17 presentation?

11:18:40 18 A. No.

11:18:40 19 Q. Okay. And how did you successfully project it?

11:18:45 20 A. Finally, I connect from that computer through my email,  
11:18:51 21 and I saved draft a copy in my email, and I project it from  
11:18:57 22 the public computer in the room.

11:19:01 23 Q. So there was a public computer you used in the room, and  
11:19:04 24 that's how you accessed your email?

11:19:06 25 A. Yes.

11:19:06 1 Q. Okay.

11:19:16 2 MS. GLATFELTER: One moment, Your Honor.

11:19:18 3 BY MS. GLATFELTER:

11:19:18 4 Q. You said there were 20 to 30 people in the room for your  
11:19:22 5 presentation?

11:19:23 6 A. Roughly.

11:19:24 7 Q. And did the audience know that you were an engineer from  
11:19:29 8 GE Aviation when you were presenting?

11:19:32 9 A. Yes, I introduced myself at the beginning of the  
11:19:34 10 presentation.

11:19:36 11 Q. And what kind of -- can you describe the room where the  
11:19:40 12 presentation occurred?

11:19:41 13 A. It's about a half size of this room.

11:19:47 14 Q. Okay. Did anyone ask you any questions at the end of  
11:19:52 15 your presentation?

11:19:53 16 A. Some of the students asked questions at the end of the  
11:19:57 17 presentation.

11:19:58 18 Q. And what kind of -- can you give us an example of the  
11:20:01 19 type of question that was asked?

11:20:03 20 A. It's very technical, detailed. I remember he said he  
11:20:09 21 is doing similar type of research, and he ask some specific  
11:20:15 22 questions. And I said to him some of the information I  
11:20:19 23 cannot share due to proprietary, and some of the information  
11:20:24 24 are in the public domain. I direct him, he can search from  
11:20:30 25 the public domain.

ZHENG - DIRECT (Glatfelter)

63

11:20:32 1 Q. So did you -- were you able to answer his technical  
11:20:37 2 question?

11:20:38 3 A. I would say I only answer maybe 40 to 50 percent of the  
11:20:45 4 questions. Some are questions I either could not answer  
11:20:48 5 technically or I could not share.

11:20:51 6 Q. Okay. Now, after the presentation, did you see Mr. Chen  
11:20:57 7 again?

11:20:57 8 A. Yes.

11:20:59 9 Q. Okay. And did he attend your presentation?

11:21:02 10 A. You mean Mr. Chen?

11:21:06 11 Q. Yes.

11:21:07 12 A. He was in and out. Yeah, he was there, then he left in  
11:21:12 13 the middle of the presentation, then he came back.

11:21:16 14 Q. And what about Deputy Director Qu?

11:21:19 15 A. He was not in the presentation.

11:21:21 16 Q. Now, afterwards, you said -- did you see Mr. Chen again?

11:21:26 17 A. Yeah, he came back. Mr. Chen, he came back.

11:21:29 18 Q. And did you meet with him after the presentation?

11:21:33 19 A. Yes.

11:21:33 20 Q. Where did you meet with him?

11:21:35 21 A. In a separate room outside the presentation's room.

11:21:41 22 Q. Okay. And what, if anything, happened during the  
11:21:43 23 meeting?

11:21:43 24 A. He hand me the -- about, about \$3,500 U.S. He said  
11:21:52 25 this is for the reimbursement for my plane ticket and also

ZHENG - DIRECT (Glatfelter)

64

11:21:57 1 reimbursement for me giving the presentation.

11:22:03 2 Q. And did he give you an idea where that money, that  
11:22:09 3 \$3,500, came from?

11:22:10 4 A. He mention in the previous email that would be funded  
11:22:14 5 by Science and Technology Association. He mention that  
11:22:18 6 again after the presentation when he handed me the money.

11:22:22 7 Q. And who did you understand that the money came from?

11:22:26 8 A. I understood at that time that came from Mr. Qu.

11:22:31 9 Q. Now, after you received the money -- was it cash?

11:22:36 10 A. It was in cash.

11:22:37 11 Q. After you received the cash, did you see Deputy Director  
11:22:45 12 Qu again?

11:22:45 13 A. He came back. We had a dinner inside the campus,  
11:22:50 14 inside a restaurant in the campus, and he came to that  
11:22:55 15 dinner.

11:22:56 16 Q. And after the dinner -- I'm sorry. How long was the  
11:23:00 17 dinner?

11:23:00 18 A. Since I was rushed to the train station to catch my  
11:23:04 19 train to Shanghai, it's about, I would say, an hour-ish.

11:23:12 20 Q. Okay. And did you -- what did you talk about during the  
11:23:15 21 dinner?

11:23:16 22 A. Very casual. There were some -- two professors that  
11:23:21 23 were in the presentation. They join the dinner. And it's  
11:23:25 24 very casual get-together discussion.

11:23:29 25 Q. And what, if anything, happened after the dinner?



ZHENG - DIRECT (Glatfelter)

65

11:23:32 1 A. Can you repeat the question?

11:23:36 2 Q. Sure. What happened next after the dinner?

11:23:39 3 A. Well, then, Mr. Cheng Feng dropped me off to the train

11:23:42 4 station.

11:23:43 5 Q. And did you take the train back to Shanghai?

11:23:47 6 A. Yes.

11:23:47 7 Q. Okay. And then did you at some point return to the U.S.?

11:23:52 8 A. Yeah. I return to the U.S. the second day. Taking the

11:23:57 9 flight, took the flight from Shanghai.

11:23:59 10 Q. Now, after you returned to the United States, did you

11:24:03 11 have any communications with Deputy Director Qu?

11:24:08 12 A. No.

11:24:08 13 Q. Did you have any WeChat communications with people from

11:24:14 14 China?

11:24:15 15 A. Not -- not until Agent Hull give me the direction.

11:24:22 16 MS. GLATFELTER: Your Honor, may I show the witness

11:24:26 17 what's been admitted as Government's Exhibit 66a to refresh

11:24:31 18 the witness's memory?

11:24:34 19 THE COURT: You can show him the admitted exhibit.

11:24:38 20 MS. GLATFELTER: Sure.

11:24:41 21 BY MS. GLATFELTER:

11:24:41 22 Q. Sir, when did you return to the United States?

11:24:44 23 A. I return on June -- June 3rd or 4th. I can't remember

11:24:52 24 because of the time difference.

11:24:54 25 Q. Of 2017?

ZHENG - DIRECT (Glatfelter)

66

11:24:55 1 A. 2017.

11:24:56 2 Q. Okay. And if we look at this screen, what's been

11:24:58 3 admitted as Government's Exhibit 66a?

11:25:03 4 A. Yes.

11:25:04 5 MS. GLATFELTER: And can everyone see that? Okay.

11:25:06 6 BY MS. GLATFELTER:

11:25:07 7 Q. What's the date of the first message at the top?

11:25:09 8 A. It's June 12th.

11:25:12 9 Q. Okay. So is this after your -- after you returned to the

11:25:15 10 United States?

11:25:15 11 A. Yes.

11:25:16 12 Q. Okay. And did you have communications with Deputy

11:25:21 13 Director Qu Hui after you returned?

11:25:22 14 A. Yes.

11:25:22 15 Q. Okay. And are these the communications?

11:25:24 16 A. Yes. This is a very -- just say thanks for his host.

11:25:31 17 Yeah, sorry. I don't -- did not remember.

11:25:35 18 Q. That's okay. What I'd like to do is read these

11:25:38 19 communications for the jury. If you will read your

11:25:42 20 communications, and I will read the gray ones.

11:25:47 21 Again, has your name been changed to Employee 1?

11:25:54 22 A. Okay.

11:25:55 23 Q. I mean, has your name been changed to Employee 1 on these

11:25:59 24 communications?

11:25:59 25 A. No.

ZHENG - DIRECT (Glatfelter)

67

11:26:00 1 Q. If you look at the screen.

11:26:02 2 A. Oh, yes.

11:26:02 3 Q. Do you see "Employee 1"?

11:26:04 4 A. Yes.

11:26:04 5 Q. Is that where your name should be?

11:26:06 6 A. Yes.

11:26:07 7 Q. Okay. And have you had a chance to look at these before

11:26:09 8 your testimony today?

11:26:09 9 A. Yes.

11:26:11 10 Q. All right. Okay. I will start.

11:26:14 11 June 12, 2017. "Mr. Employee 1, this is Qu Hui."

11:26:21 12 A. June 12, 2017. "Hello, Department Head Qu."

11:26:26 13 Q. "Welcome to visit Nanjing again next year."

11:26:31 14 A. "Thank you for your support on this exchange with NUAA,

11:26:35 15 and thank you for the gift. I will definitely contact you

11:26:40 16 again if I have a chance to visit China in the future. I

11:26:45 17 would love to do academic share and exchange with the

11:26:51 18 faculties and students as long as it does not involve any

11:26:57 19 non-publicity information from the company."

11:27:03 20 "Say hello to Director Ji for me."

11:27:08 21 Q. "Will do, Teacher Employee 1. I will also bring your

11:27:12 22 greeting to Director Ji."

11:27:13 23 MS. GLATFELTER: If we can continue -- or if we can

11:27:15 24 scroll back up to the middle of the page.

11:27:15 25 BY MS. GLATFELTER:

11:27:19 1 Q. Did you understand from these communications that you  
11:27:22 2 would be able to return to China in the future to present?  
11:27:25 3 A. Yeah, based on this conversation, yes.  
11:27:32 4 Q. And you mentioned in your message, "Thank you for the  
11:27:36 5 gift." What gift are you referring to?  
11:27:39 6 A. I thank him for the cash reimbursement he gave to me,  
11:27:42 7 and also the dinner he give me two tea -- tea boxes.  
11:27:49 8 Q. Were those special teas?  
11:27:53 9 A. Yeah, it's a special tea as a thank you from China.  
11:28:01 10 Q. I see. And I'd like to pivot and talk about -- I'd like  
11:28:07 11 to fast forward to 2018 when you were working with FBI Agent  
11:28:15 12 Hull. You spoke earlier about that trip to Belgium. Do you  
11:28:18 13 remember that?  
11:28:19 14 A. Yes.  
11:28:19 15 Q. And sometime after you returned, did Agent Hull ask you  
11:28:24 16 to review a set of photographs?  
11:28:26 17 A. Yes.  
11:28:28 18 MS. GLATFELTER: Your Honor, may I approach the  
11:28:30 19 witness with what has been admitted as Exhibit 8g? I'd like  
11:28:35 20 to give him a hard copy.  
11:28:36 21 THE COURT: Yes.  
11:28:37 22 MS. GLATFELTER: Thank you.  
11:28:59 23 BY MS. GLATFELTER:  
11:28:59 24 Q. Sir, do you recognize what I've handed you?  
11:29:02 25 A. Yes.

ZHENG - DIRECT (Glatfelter)

69

11:29:04 1 Q. Are these some of the photographs that Agent Hull asked  
11:29:07 2 you to review?

11:29:08 3 A. Yes.

11:29:09 4 Q. About how many photographs did he ask you to review?

11:29:14 5 A. He ask me review about -- about 200 photos.

11:29:21 6 Q. And what did he ask you to do with these photos?

11:29:27 7 A. He asked me to check whether some of the photos can be  
11:29:33 8 publicly viewed through WeChat or some of the photos are  
11:29:38 9 from personal computer.

11:29:40 10 Q. And did you follow his instructions?

11:29:43 11 A. Yes.

11:29:43 12 Q. Were you able to locate all of the photographs that he  
11:29:49 13 handed you, or he gave you?

11:29:50 14 A. I was able to view from my wife's phone since I can  
11:29:57 15 view from her phone about my WeChat. Most of the photos I  
11:30:04 16 can view from her phone, but not all the photos.

11:30:08 17 Q. So were you able to look at your WeChat account from her  
11:30:12 18 phone, you're saying?

11:30:13 19 A. Yes.

11:30:14 20 Q. Okay. And some of the photos came from your WeChat  
11:30:17 21 account?

11:30:17 22 A. Yes. That I posted as a social media. Everyone in the  
11:30:23 23 friends can view this pictures.

11:30:27 24 Q. Okay. So when you say a person who's a friend can view  
11:30:31 25 these, are these photographs viewable by everyone who 's a

ZHENG - DIRECT (Glatfelter)

70

11:30:37 1 member of WeChat?

11:30:38 2 A. Not everyone is a member of the WeChat. Everyone who  
11:30:43 3 is in -- as a friend in the WeChat.

11:30:47 4 Q. As your friend?

11:30:48 5 A. As my WeChat, yes.

11:30:50 6 Q. Okay. And on the account, where were these photographs  
11:30:53 7 located?

11:30:53 8 A. On the account, it's basically, it's moments. And so  
11:31:00 9 you basically snap a picture, you can post it, here's where  
11:31:05 10 we are, where I am, and you can add some comments. Very  
11:31:09 11 similar to Facebook, which day and which time that you post  
11:31:15 12 it.

11:31:15 13 Q. And were these photographs that you were reviewing, were  
11:31:19 14 they posted individually?

11:31:20 15 A. Posted individually or in a group of pictures in  
11:31:25 16 certain day, but definitely it's posted in different dates.

11:31:30 17 Q. All right. From WeChat, is a WeChat user able to save or  
11:31:38 18 print these photographs from these different posts?

11:31:40 19 A. They can if they are my friend.

11:31:43 20 Q. Okay. And is that -- and how would you describe that  
11:31:50 21 process?

11:31:51 22 A. So you -- basically, you can view the moments that he  
11:31:56 23 or she shared, and you can save individually for the photos  
11:32:04 24 you want to share -- you want to save.

11:32:07 25 Q. Would you have to do that with each individual post?

ZHENG - DIRECT (Glatfelter)

71

11:32:12 1 A. Yes.

11:32:13 2 Q. How long would that take you?

11:32:16 3 MR. McBRIDE: Objection. Speculation, Your Honor.

11:32:19 4 THE COURT: Overruled.

11:32:21 5 BY MS. GLATFELTER:

11:32:21 6 Q. You use WeChat, right?

11:32:23 7 A. Yes.

11:32:23 8 Q. Did you actually try to download these photos for Agent  
11:32:27 9 Hull?

11:32:27 10 A. Can you repeat your question?

11:32:29 11 Q. Did you try to download these photographs for Agent Hull,  
11:32:33 12 or save these photographs for Agent Hull?

11:32:36 13 A. I was viewing these pictures from my wife's phone, and  
11:32:40 14 I was trying to save these photos from her phone too.

11:32:44 15 Q. And how long did that take you?

11:32:46 16 A. It would take a while. For 200 photos, it will take 30  
11:32:51 17 to 40 minutes.

11:32:51 18 Q. Is that because you have to go through each individual  
11:32:54 19 post?

11:32:55 20 A. Yes.

11:32:57 21 MS. GLATFELTER: One moment, Your Honor.

11:32:58 22 THE COURT: Very well.

11:33:05 23 MS. GLATFELTER: Your Honor, I have no further  
11:33:06 24 questions. Thank you.

11:33:07 25 THE COURT: Very well.

11:33:14 1 The lawyer for the defendant has an opportunity to ask  
11:33:17 2 questions of the witness now.

11:33:21 3 Cross-examination.

11:33:27 4 MR. McBRIDE: Thank you, Your Honor.

11:33:31 5 **CROSS-EXAMINATION**

11:33:32 6 BY MR. McBRIDE:

11:33:35 7 Q. Mr. Zheng, how are you this morning?

11:33:36 8 A. Good. How are you?

11:33:36 9 Q. Let me introduce myself. My name is Bob McBride. I  
11:33:41 10 represent Mr. Xu along with my colleagues.

11:33:43 11 As the judge just said, I am going to ask you some  
11:33:47 12 questions. If anything I ask you is unclear, please tell me  
11:33:51 13 so, sir.

11:33:52 14 A. Okay.

11:33:53 15 Q. Ms. Glatfelter asked you a little bit about your  
11:33:59 16 education, and I'd like to talk about a little bit of that  
11:34:02 17 with you.

11:34:04 18 Can you hear me?

11:34:06 19 A. Can you speak a little bit louder?

11:34:08 20 Q. Yes. I'll certainly try. And if you can't hear me,  
11:34:12 21 please let me know, sir.

11:34:14 22 A. Okay.

11:34:23 23 Q. Thank you. So when did you graduate from Harbin  
11:34:24 24 Institute of Technology?

11:34:26 25 A. I graduate in ninety -- 1997.



11:34:33 1 Q. Tell us a little bit about Harbin Institute of Technology  
11:34:41 2 in terms of where it ranks in science universities in China.  
11:34:49 3 How does it rank in China?

11:34:51 4 A. It's -- it has very good ranking in engineering. And I  
11:34:58 5 was in civil engineering. That's one of the best civil  
11:35:01 6 engineering school in China.

11:35:04 7 Q. Have you heard the phrase "seven suns"? "The seven  
11:35:12 8 suns," have you heard that phrase, sir?

11:35:15 9 A. I do not understand.

11:35:16 10 Q. With respect to science and technology, have you ever  
11:35:21 11 heard the phrase "seven suns"?

11:35:26 12 A. No.

11:35:27 13 Q. Okay. Thank you. In China, how does -- not in China.  
11:35:36 14 How did you get into Harbin Institute of Technology?

11:35:40 15 A. Can you repeat your question, please?

11:35:42 16 Q. How did you apply to Harbin Institute of Technology?

11:35:46 17 A. So you have to -- once you national exam, and based on  
11:35:55 18 the score, then you will apply several schools, and they  
11:36:01 19 will select based on your academic scores.

11:36:07 20 Q. Does the university make that selection?

11:36:10 21 A. Yes.

11:36:12 22 Q. Does anybody from the communist party have any  
11:36:16 23 involvement in those selections?

11:36:20 24 A. I do not know.

11:36:23 25 Q. Were you a member of the communist party at the time you

11:36:26 1 attended Harbin University?

11:36:28 2 A. I was not. I join communist party when I was in my

11:36:36 3 graduate school.

11:36:42 4 Q. And your graduate school was Northern Jiaotong

11:36:47 5 University?

11:36:47 6 A. That is correct.

11:36:49 7 Q. And what did you study there sir?

11:36:50 8 A. My major was structural engineering. It's very similar

11:36:54 9 to civil engineering.

11:36:55 10 Q. In what way --

11:37:00 11 A. Can you say that again?

11:37:03 12 Q. How is structural engineering similar to mechanical

11:37:06 13 engineering?

11:37:06 14 A. They -- basically, the courses that you need to take or

11:37:12 15 pass, I will say 70 to 80 percent of the courses are similar

11:37:19 16 between structure, civil engineering, and mechanical

11:37:22 17 engineering.

11:37:23 18 Q. Did you take any courses related to composites?

11:37:26 19 A. In Northern Jiaotong University?

11:37:36 20 Q. Yes, sir.

11:37:37 21 A. Yes.

11:37:37 22 Q. Okay. Did those courses involve structural composites?

11:37:41 23 A. It -- it does.

11:37:48 24 Q. And then, as I understand it, sir, you went to Akron

11:37:51 25 University, studied structural engineering?

11:37:54 1 A. Yes.

11:37:55 2 Q. And you received your Ph.D. from Akron?

11:37:58 3 A. That's correct.

11:37:59 4 Q. All right. Tell us about your transition from Northern  
11:38:07 5 Jiaotong University to Akron University. Why did you select  
11:38:11 6 Akron University?

11:38:12 7 A. So I was applying several -- after I graduated from  
11:38:18 8 Northern Jiaotong University, I was working in a structure  
11:38:25 9 civil engineering company for a couple of years. Then I  
11:38:30 10 applied for U.S. universities for Ph.D. program, and I was  
11:38:36 11 not admitted.

11:38:38 12 Then later on, I was admitted to Nan Yang, Northern  
11:38:48 13 Jiaotong University in Singapore. I spent a year there  
11:38:50 14 studying in Ph.D. degree. And later on I got a admission to  
11:39:00 15 Pennsylvania State University. In 2003 I came to the U.S.,  
11:39:08 16 and for the first semester, they have a Ph.D. exam, and I  
11:39:17 17 was very struggling at that time because of the language.  
11:39:21 18 And I did not pass the Ph.D. entrance exam in Pennsylvania  
11:39:26 19 State University.

11:39:27 20 And I transferred to University of Akron, and I found a  
11:39:33 21 professor who can sponsor my Ph.D. work in 2004.

11:39:45 22 Q. Thank you, sir. You mentioned a company you worked for.  
11:39:49 23 Was that the China -- Metallurgical Construction Corporation  
11:39:52 24 of China?

11:39:53 25 A. Yes.

11:39:53 1 Q. Is that a state-owned organization?

11:39:56 2 A. Can you repeat your question?

11:39:59 3 Q. Is that a state-owned organization in China?

11:40:06 4 A. Yes.

11:40:08 5 Q. Is it a construction company essentially?

11:40:11 6 A. It's essentially a construction company.

11:40:13 7 Q. In a very large organization, correct?

11:40:15 8 A. Yes.

11:40:16 9 Q. At Akron, what was the focus of your Ph.D. work?

11:40:27 10 A. I was focusing on developing some theoretical equations

11:40:37 11 for high-velocity impact of composite structures.

11:40:41 12 Q. More specifically, braided composite structures?

11:40:45 13 A. Very general. Not specifically. I did some work for

11:40:50 14 my Ph.D. supervisor that was sponsor by NASA and GE

11:40:57 15 Aviation, but that's not directly tied to my Ph.D.

11:41:02 16 dissertation.

11:41:02 17 Q. What was your Ph.D. dissertation, sir?

11:41:05 18 A. The title is "Impact" -- "Low Velocity Impact of

11:41:10 19 Composite Structures. "

11:41:12 20 Q. Is that a ballistics type of test against composite

11:41:18 21 structures?

11:41:19 22 A. No, it's not a ballistic type. It's low velocity, as I

11:41:25 23 mention in the title.

11:41:26 24 Q. What would be low velocity, sir?

11:41:28 25 A. It's basically -- when you say "ballistic," it's more

11:41:31 1 like a bullet. But low velocity is you can drop a heavy  
11:41:37 2 object onto the floor or you drop something to the composite  
11:41:41 3 structure, not in the bullet speed.

11:41:46 4 Q. Would you do that kind of testing if you were developing  
11:41:49 5 a composite structure?

11:41:51 6 A. Yes.

11:41:52 7 Q. Part of the building block test, sir; is that correct?

11:41:55 8 A. Yes, that's correct.

11:41:59 9 Q. Thank you. Sir, I believe you also told us a little bit  
11:42:05 10 about your history at General Electric; is that correct?

11:42:08 11 A. Yes.

11:42:09 12 Q. And the first place that you worked was GE Global  
11:42:17 13 Research; is that correct, sir?

11:42:18 14 A. That's correct.

11:42:18 15 Q. What did you do at GE Global Research?

11:42:21 16 A. I was a research engineer. Basically the project,  
11:42:28 17 research project was sponsored by different GE businesses.

11:42:36 18 Q. Did GE Global Research conduct seminars and conferences?

11:42:47 19 A. Yeah, they do.

11:42:49 20 Q. Would they bring in various professionals to speak at GE  
11:42:57 21 Global Research Center?

11:42:57 22 A. Sometimes, yes.

11:42:58 23 Q. Would some of those professionals come and speak about  
11:43:04 24 composite materials?

11:43:05 25 A. Sometimes.

11:43:09 1 Q. Were some of those professionals from other aerospace  
11:43:14 2 organizations?

11:43:15 3 A. Vary --

11:43:15 4 Q. Did --

11:43:18 5 A. They are mostly from academic, from universities.

11:43:21 6 Q. I'm sorry. I did not mean to speak over you, sir. I  
11:43:25 7 apologize.

11:43:26 8 Do you recall any of the academic universities that came  
11:43:28 9 over to give presentations?

11:43:30 10 A. I remember one professor's from Stanford University.

11:43:36 11 Q. Anyone from overseas, sir?

11:43:44 12 A. I do not remember anyone from overseas.

11:43:46 13 Q. Thank you. And then as I understand your testimony,  
11:44:04 14 sir -- correct me if I'm wrong -- you went from GE Global  
11:44:10 15 Research to GE Aviation, correct?

11:44:12 16 A. That's correct.

11:44:12 17 Q. And you went to work at General Electric Aviation in  
11:44:15 18 Evendale here?

11:44:16 19 A. Yes.

11:44:17 20 Q. So you moved your family here?

11:44:18 21 A. Yes.

11:44:19 22 Q. Okay. And I know that there are certain things you can't  
11:44:27 23 talk about, but generally what do you do at GE, vis-a-vis  
11:44:33 24 composite work?

11:44:34 25 A. I was -- I was responsible for design and development

11:44:43 1 and manufacture of composite fan case for the aircraft

11:44:48 2 engine.

11:44:49 3 Q. And the fan case is the containment for the fan blades,  
11:44:54 4 correct?

11:44:55 5 A. That's correct.

11:44:56 6 Q. All right. And its purpose is to prevent further damage  
11:45:00 7 to the airplane if there's a blade-out event, correct?

11:45:05 8 A. That's correct.

11:45:05 9 Q. In your work, do you utilize the building block process  
11:45:14 10 for composites?

11:45:16 11 A. Yes.

11:45:17 12 Q. The -- could you describe what the first step in the  
11:45:21 13 building block process is when you're developing a composite  
11:45:25 14 structure?

11:45:27 15 A. Basically you test -- you perform testing in the very  
11:45:38 16 small size specimen. It's either rectangular or square.  
11:45:43 17 And you pull or push in the very similar direction.

11:45:50 18 Q. And that process is continued in larger and larger  
11:45:55 19 components; is that correct?

11:45:56 20 A. That's correct.

11:45:56 21 Q. And correct me if I'm wrong. The overall process is  
11:46:01 22 essentially build material, destroy material, make computer  
11:46:06 23 models for the next section, and then start it all over again;  
11:46:12 24 is that right?

11:46:12 25 A. That's correct.

11:46:13 1 Q. All right. Thank you. And are there parts of the --  
11:46:22 2 strike that. I'll move on.

11:46:24 3 I'd like to talk a little bit about your interactions  
11:46:36 4 with Chen Feng.

11:46:38 5 A. Okay.

11:46:38 6 Q. So before you met Chen Feng, as I think you had told us,  
11:46:44 7 you had never had any interactions with him before his initial  
11:46:47 8 reach-out; is that correct?

11:46:48 9 A. That's correct.

11:46:48 10 Q. And he reached out to you by WeChat?

11:46:51 11 A. He initially reach out to me by LinkedIn.

11:46:57 12 Q. By LinkedIn. Thank you. So the messenger facility on  
11:47:01 13 LinkedIn is how he contacted you?

11:47:03 14 A. Yes.

11:47:03 15 Q. Is that right?

11:47:06 16 So your LinkedIn is on a publicly available social media,  
11:47:12 17 correct?

11:47:12 18 A. Yes, with the professional -- with your professional  
11:47:15 19 background, what's your experience look like.

11:47:18 20 Q. What is your understanding of the purpose of LinkedIn?

11:47:20 21 A. The purpose of a LinkedIn use, basically you state your  
11:47:28 22 education, you state your professional experience. You try  
11:47:35 23 to establish lab work professionally.

11:47:42 24 Q. Have you ever used LinkedIn to look for other  
11:47:45 25 professionals?



11:47:45 1 A. You can, yes.

11:47:46 2 Q. Have you ever done it?

11:47:47 3 A. Yes.

11:47:48 4 Q. Is that something you do routinely when you're trying to

11:47:54 5 reach out to other professionals?

11:47:56 6 A. I do not do routinely. Maybe once in a while.

11:48:01 7 Q. Did you find it a useful tool?

11:48:05 8 A. I found it's useful.

11:48:05 9 Q. On your LinkedIn profile, did you post that you worked at

11:48:12 10 General Electric?

11:48:12 11 A. Yes.

11:48:15 12 Q. Did you post on that LinkedIn profile anything about your

11:48:19 13 work at General Electric?

11:48:20 14 A. Very general about the work that I was doing at General

11:48:24 15 Electric.

11:48:24 16 Q. Did you post anything on your LinkedIn site about your

11:48:30 17 education?

11:48:30 18 A. Yes.

11:48:31 19 Q. How about your Ph.D. work? Did you note anything about

11:48:34 20 your Ph.D. work?

11:48:35 21 A. Very brief, yes.

11:48:39 22 Q. Did you list the title of your dissertation?

11:48:42 23 A. I -- yes.

11:48:46 24 Q. Thank you. When you were contacted by Chen Feng, were

11:48:56 25 you surprised?

11:48:56 1 A. I was.

11:48:57 2 Q. Why?

11:48:58 3 A. I never knew him, and he basically want to connect.

11:49:08 4 Q. Okay. But you continued up with the communications, did

11:49:11 5 you not?

11:49:12 6 A. Yes.

11:49:12 7 Q. Why?

11:49:13 8 A. I feel he is from NUAA, and he's at university in

11:49:25 9 China. And I ask many colleagues who give presentations,

11:49:37 10 all they have academic exchanges with China. I feel like

11:49:41 11 it's honored -- could be honor to be invite to a university

11:49:45 12 to give presentations.

11:49:47 13 Q. Does NUAA have a good reputation in the scientific

11:49:54 14 community?

11:49:54 15 A. Yes.

11:49:57 16 Q. So I think you just told us that you thought it was an

11:50:00 17 honor to be invited to speak at this university, correct?

11:50:04 18 A. Yes.

11:50:04 19 Q. Why was that important to you, to be honored in this way?

11:50:12 20 A. Can you repeat your question?

11:50:16 21 Q. Let me ask a different question, sir.

11:50:19 22 Did you have many opportunities to engage in these sort

11:50:22 23 of exchanges, academic or professional?

11:50:28 24 A. Sorry. I still did not understand the question.

11:50:31 25 Q. I will try to ask a better question, sir.

11:50:33 1 Is this the first time you had been asked to give a  
11:50:36 2 presentation at a university?

11:50:37 3 A. I would say internationally, yes, but I was invite to  
11:50:43 4 give presentation to University of Akron before.

11:50:47 5 Q. While you were working at GE?

11:50:49 6 A. Yes.

11:50:49 7 Q. Was that presentation on -- related to composite  
11:50:55 8 component structures?

11:50:56 9 A. No, I don't remember.

11:51:05 10 Q. You don't remember?

11:51:06 11 A. Yes.

11:51:07 12 Q. Thank you, sir. At the time Chen Feng contacted you, I  
11:51:17 13 believe you told us that you were also planning a trip to see  
11:51:21 14 your family back home, correct?

11:51:22 15 A. Yes. I had a nephew wedding in Anhui, and I had a  
11:51:30 16 class reunion, 20-year undergrad class reunion in a similar  
11:51:36 17 time frame.

11:51:38 18 Q. What was the period of time you were planning to go to  
11:51:40 19 China before Chen Feng contacted you, sir?

11:51:44 20 A. It's around April to May time frame.

11:51:48 21 Q. April to May. How many weeks were you planning?

11:51:53 22 A. Can you repeat your question?

11:51:55 23 Q. I'm sorry. How many weeks were you planning to be away  
11:51:58 24 in China?

11:51:59 25 A. I was planning to be away like, well, at most, two

11:52:03 1 weeks because of work.

11:52:04 2 Q. So even had you not lectured at NUAA, you would have had  
11:52:09 3 a busy schedule, would you not have?

11:52:12 4 A. I was still planning to go.

11:52:15 5 Q. Oh, yes. I understand. It would have been a busy time  
11:52:19 6 even if you didn't lecture at NUAA, correct?

11:52:21 7 A. That is correct.

11:52:22 8 Q. Thank you. When you were contacted by Chen Feng, you  
11:52:37 9 said you were surprised. Did you know who he was other than  
11:52:41 10 from his self identification?

11:52:46 11 Strike that. Let me ask a better question. When you  
11:52:48 12 received the letter from Chen Feng, did you know him?

11:52:51 13 A. I can see his title in his nickname profile.

11:52:56 14 Q. But you never personally met him before?

11:52:59 15 A. I never personally met him before.

11:53:01 16 Q. All right. So you don't even know if -- pardon me. Let  
11:53:06 17 me strike that.

11:53:06 18 Do you know if the person who sent you that email was the  
11:53:09 19 person that you met when you went to NUAA?

11:53:12 20 A. I did not get the question.

11:53:18 21 Q. Do you know who was sitting at the computer when they  
11:53:21 22 sent you the email under the name Chen Feng?

11:53:23 23 A. No.

11:53:25 24 Q. So when you met Chen Feng in China, were you sure that  
11:53:37 25 that was the person who you were communicating with by email

11:53:40 1 and WeChat?

11:53:41 2 **A.** He pick me -- the first time I saw him he pick me up  
11:53:47 3 from the train station, and WeChat about where to meet. And  
11:53:53 4 we were WeChat friends. And he said, hey, I will meet you  
11:54:00 5 in which exit. I saw him with a car, and I was sure.

11:54:04 6 **Q.** I understand. But before you arrived in China, did you  
11:54:09 7 know -- you didn't know whether the emails or the WeChats were  
11:54:14 8 coming from the man you met later on in China, did you?

11:54:17 9 **A.** I did not know.

11:54:28 10 MR. McBRIDE: Your Honor, this might be a good place  
11:54:30 11 to stop if you want to take a lunch break.

11:54:34 12 THE COURT: Very well. Thank you for telling me,  
11:54:37 13 Mr. McBride.

11:54:38 14 We're going to break for lunch. It's almost high noon.  
11:54:42 15 We will take an hour break, and I will see you back at 1  
11:54:45 16 o'clock. During the break, enjoy lunch. Don't talk about the  
11:54:49 17 case with anyone, including among yourselves. No independent  
11:54:52 18 research. Continue to keep an open mind.

11:54:54 19 We'll rise as you leave.

11:54:56 20 THE COURTROOM DEPUTY: All rise for the jury.

11:55:21 21 THE COURT: Hour and 15-minute break, so 1:15.

11:54:58 22 (Jury out at 11:54 a.m.)

11:55:21 23 THE COURT: The jury's left the room, headed for the  
11:55:38 24 lunch break. Is there anything that requires my attention  
11:55:41 25 before we break from the courtroom, from the government?

11:55:43 1 MS. GLATFELTER: No, Your Honor. Thank you.

11:55:45 2 THE COURT: From the defense?

11:55:47 3 MR. McBRIDE: No, sir.

11:55:48 4 THE COURT: Very well. Enjoy your lunch.

11:55:52 5 THE COURTROOM DEPUTY: The court is now in recess.

11:55:54 6 (Lunch recess from 11:55 p.m. until 1:16 p.m.)

01:16:31 7 THE COURT: We're back on the record. Are we ready

01:16:34 8 to proceed from the government's perspective?

01:16:37 9 MS. GLATFELTER: Yes, Your Honor. Thank you.

01:16:38 10 THE COURT: Defense as well?

01:16:41 11 MR. McBRIDE: Yes, sir.

01:16:42 12 THE COURT: All right. Let's call for the jury,

01:16:44 13 please.

01:17:57 14 THE COURTROOM DEPUTY: All rise for the jury.

01:17:59 15 (Jury in at 1:18 p.m.)

01:18:30 16 THE COURT: You may all be seated. Thank you.

01:18:33 17 15 members of the jury have rejoined us after lunch.

01:18:39 18 Welcome back.

01:18:41 19 We will continue to hear the testimony of this witness.

01:18:43 20 Mr. McBride, you made proceed.

01:18:45 21 MR. McBRIDE: Thank you, Your Honor.

01:18:49 22 BY MR. McBRIDE:

01:18:51 23 **Q.** Dr. Zheng, we were talking about the period of time

01:18:56 24 before you went and did your lecture at NUAA. Do you remember

01:19:00 25 that?

01:19:00 1 A. Yes.

01:19:00 2 Q. So I would like to talk about, a little bit about your  
01:19:05 3 preparation and the actual trip to NUAA. Is that all right?

01:19:11 4 A. Okay. Yes.

01:19:12 5 Q. So before you went to NUAA, how did you prepare for the  
01:19:22 6 lecture?

01:19:23 7 A. Before my trip, I was preparing a presentation, a GE  
01:19:33 8 computer, by searching some publicly available information.

01:19:44 9 Then right the day before my trip, I got the five  
01:19:51 10 training -- GE training files and zip it into one zip file  
01:19:57 11 and send that file to my personal email. And I brought my  
01:20:05 12 personal computer so I have access to my email and I will be  
01:20:12 13 able to access this training files to refine my presentation  
01:20:17 14 while I was in China.

01:20:19 15 Q. So the public available information you referenced, what  
01:20:24 16 kind of things did you pull from that -- from publicly  
01:20:28 17 available information?

01:20:29 18 A. I pull from some of the journal papers. I download  
01:20:36 19 before it's publicly available, and some of the journal  
01:20:42 20 papers while I was in -- while I was in GE.

01:20:48 21 Q. So these journal papers, they're professional journals?

01:20:52 22 A. Yes.

01:20:52 23 Q. And academic journals?

01:20:55 24 A. Yes.

01:20:56 25 Q. And these all dealt with composite materials, correct?

ZHENG - CROSS (McBride)

88

01:21:00 1 A. In general, yes.

01:21:01 2 Q. In general, yes, thank you. And then the five documents

01:21:03 3 that you also downloaded, those were training materials from

01:21:06 4 GE, correct?

01:21:07 5 A. That's correct.

01:21:07 6 Q. All right. And those were export controlled, yes, sir?

01:21:11 7 A. Most of them, yes.

01:21:13 8 Q. Okay. So what was the purpose of downloading those

01:21:17 9 documents?

01:21:19 10 A. I was preparing the presentation specifically related

01:21:24 11 to the topic that I was going to present. I want to take

01:21:31 12 some of the training material to refine the presentation.

01:21:36 13 Q. But none of the materials that you presented were covered

01:21:44 14 directly in the training materials, correct?

01:21:49 15 A. That is correct.

01:21:50 16 Q. So you never released any part of those five documents,

01:21:53 17 correct?

01:21:54 18 A. Can you repeat your question, please?

01:21:57 19 Q. Those five documents were never released by you?

01:22:01 20 A. No.

01:22:11 21 Q. Did you prepare your slide presentation on the way to

01:22:15 22 China?

01:22:15 23 A. I prepared half of it before my trip, then I was

01:22:20 24 prepare some of them while I was in China.

01:22:23 25 Q. You had two versions of that presentation, didn't you?



01:22:26 1 A. Yes.

01:22:27 2 Q. The first version was sort of a draft; is that correct?

01:22:37 3 A. That's correct.

01:22:38 4 Q. All right. In developing that draft, what did you do to

01:22:42 5 ensure that there was no GE secret information in your

01:22:46 6 presentation?

01:22:50 7 A. I want give one example.

01:22:54 8 Q. Please.

01:22:54 9 A. When I take some of the pictures from the training

01:22:57 10 material, there will be some label underneath the picture

01:23:05 11 say the "GE proprietary," and I try to take this out when I

01:23:10 12 put them in my presentation.

01:23:15 13 Q. And then your final copy, did you refine that further?

01:23:20 14 A. Yes.

01:23:20 15 Q. And was the purpose of refining it to sort of make double

01:23:25 16 sure there was no GE secret information in it?

01:23:27 17 A. That is correct.

01:23:29 18 Q. And that final one is the one that you presented to the

01:23:31 19 NUAA students, correct?

01:23:32 20 A. That is correct.

01:23:34 21 Q. All right. And in general, it was about the building

01:23:36 22 block process for manufacturing composite structures, correct?

01:23:42 23 A. It's more about the design of composite.

01:23:47 24 Q. And your lecture was limited to the containment

01:23:50 25 structure, correct?

01:23:51 1 A. That's correct.

01:23:56 2 Q. Is there a difference in the materials in the containment

01:24:00 3 structure and the fan blade?

01:24:02 4 A. Can you repeat your question, please?

01:24:05 5 Q. Are the polymetric composites in the containment housing

01:24:09 6 exactly the same as the polymetric materials used in the fan

01:24:14 7 blade?

01:24:14 8 A. Yes, they are different.

01:24:15 9 Q. They are different?

01:24:17 10 A. Material properties, they are different, yes.

01:24:20 11 Q. Thank you. Ms. Glatfelter asked you about when you

01:24:32 12 arrived in China, and I'd like to ask you a few questions

01:24:35 13 about that.

01:24:35 14 A. Okay.

01:24:36 15 Q. When you arrived, you told us that you had tea with Chen

01:24:44 16 Feng, Qu Hui, and a third person, a woman.

01:24:51 17 A. Yes.

01:24:51 18 Q. Would you remind us what that woman's name was?

01:24:54 19 A. I only know, remember her last name, Ms. Ji, J-I.

01:25:03 20 Q. Thank you. Was it appropriate for tea to be had when you

01:25:07 21 arrived?

01:25:09 22 A. Can you repeat your question, please?

01:25:12 23 Q. Culturally, was it the right thing to do for your hosts

01:25:16 24 to have tea with you?

01:25:17 25 A. Yeah. Sometimes culturally, yes.

01:25:19 1 Q. And culturally, was it also appropriate for your host to  
01:25:23 2 take you to lunch?

01:25:26 3 A. Yes.

01:25:27 4 Q. And then after the presentation, was it also appropriate  
01:25:30 5 for them to take you to dinner?

01:25:32 6 A. Yes.

01:25:32 7 Q. I'm going to say a word -- and I am not sure I am going  
01:25:36 8 to pronounce it -- and ask you what it means.

01:25:38 9 What does Guan Xi mean in Chinese culture?

01:25:45 10 A. Can you say that again?

01:25:46 11 Q. The idea of networking.

01:25:48 12 A. Okay.

01:25:49 13 Q. Guan Xi. I am sure I am mispronouncing.

01:25:53 14 A. Yes, yes.

01:25:54 15 Q. Could you tell the ladies and gentlemen of the jury the  
01:25:57 16 significance of that for you in Chinese culture?

01:25:58 17 A. In Chinese culture, like what he mentions, he builds a  
01:26:04 18 network through tea, through lunch, through dinner.

01:26:08 19 Q. And is this the way that people in China get to know each  
01:26:14 20 other in business situations?

01:26:17 21 A. That's correct.

01:26:17 22 Q. And sometimes these dinners are called banquets, are they  
01:26:21 23 not, sir?

01:26:23 24 A. Yes.

01:26:23 25 THE COURT: Do you have the spelling of the word?

01:26:26 1 MR. McBRIDE: I don't have the spelling.

01:26:27 2 THE COURT: Could you ask the witness.

01:26:29 3 BY MR. McBRIDE:

01:26:29 4 Q. Sir, what is the spelling of the word "Guan Xi"?

01:26:33 5 A. Spell the word?

01:26:34 6 Q. Spell it please, sir.

01:26:36 7 A. Guan Xi is G-U-A-N. Xi is X-I. Guan Xi.

01:26:52 8 MR. McBRIDE: Thank you, sir. Thank you, Judge.

01:26:55 9 BY MR. McBRIDE:

01:26:55 10 Q. When Mr. Qu Hui said he was from JAST, were you familiar

01:27:01 11 with JAST?

01:27:04 12 A. A little bit. Not very.

01:27:05 13 Q. At that time, what did you know about JAST?

01:27:07 14 A. It's really Science and Technology Association.

01:27:12 15 Q. But you were aware of it before your trip to China to

01:27:16 16 NUAA, correct?

01:27:18 17 Did you know about JAST before you went to China?

01:27:22 18 A. It was mention briefly in the emails.

01:27:25 19 Q. Before Chen Feng mentioned it, had you ever heard of it

01:27:28 20 before?

01:27:28 21 A. No.

01:27:29 22 Q. Did you find it unusual that there is a science

01:27:34 23 technology organization like that in China?

01:27:36 24 A. I would say in many, many universities they were

01:27:47 25 sponsored by this association for scholars to give lectures.

01:27:56 1 Q. Ms. Glatfelter also asked you about money that you were  
01:28:03 2 given by Qu Hui. That was approximately \$3,500, correct, sir?  
01:28:09 3 A. Yeah, approximately.  
01:28:10 4 Q. And that was in U.S. dollars?  
01:28:18 5 A. Yes.  
01:28:18 6 Q. Is it unusual in China to be paid in U.S. dollars?  
01:28:21 7 A. It's usual.  
01:28:22 8 Q. It's usual, sir?  
01:28:23 9 A. Yeah.  
01:28:24 10 Q. Thank you. Why is that?  
01:28:25 11 A. I guess China is a developing country. A U.S. dollar  
01:28:33 12 is very common in China now. You can easily get exchange  
01:28:36 13 from bank.  
01:28:38 14 Q. Did you find it unusual that you were paid in U.S.  
01:28:41 15 dollars?  
01:28:43 16 A. I did not.  
01:28:45 17 Q. Did you think the amount of money was excessive?  
01:28:49 18 A. No.  
01:28:50 19 Q. Why not, sir?  
01:28:51 20 A. Before my trip they said they will pay for my plane  
01:28:57 21 ticket, which is about 1,500, including the train,  
01:29:03 22 everything. Then the remaining is for a seminar, for the  
01:29:08 23 presentation I give.  
01:29:09 24 Q. So you felt that was a reason -- the balance was a  
01:29:13 25 reasonable amount for your seminar to be paid?

01:29:15 1 A. I thought so.

01:29:16 2 Q. Particularly given your credentials, don't you think?

01:29:19 3 A. Say that again.

01:29:22 4 Q. I'll withdraw that question, sir.

01:29:24 5 I believe you told us on direct examination that you did

01:29:36 6 not tell GE about the presentation you were going to give; is

01:29:43 7 that correct?

01:29:43 8 A. That's correct.

01:29:43 9 Q. Why not, sir?

01:29:45 10 A. I was concerned if I give my boss notice, there will be

01:29:54 11 a lot of checks in GE before you give a presentation

01:30:00 12 publicly.

01:30:02 13 I want to give you one example if I can.

01:30:05 14 Q. Please.

01:30:05 15 A. I was trying to present in some of the technical

01:30:09 16 conferences here in the U.S., and I was not allowed to

01:30:15 17 because GE want to protect the information.

01:30:19 18 Q. Did you think the information you were going to present

01:30:21 19 at that conference was appropriate to present?

01:30:25 20 A. If I present some of the work I was performing in GE,

01:30:31 21 even in general sense, I will not be allowed to.

01:30:42 22 Q. And that's GE policy, correct?

01:30:44 23 A. That's GE policy.

01:30:45 24 Q. When you weren't permitted to give the presentation, did

01:30:52 25 you find that frustrating?

01:30:53 1 A. Yes.

01:30:53 2 Q. Why, sir?

01:30:54 3 A. I got my Ph.D., and I feel honored to present my work

01:31:03 4 technically to the public as long as I not -- I'm not

01:31:08 5 releasing proprietary information.

01:31:11 6 Q. Thank you. I want to move now to your return from China.

01:31:21 7 When you returned, you brought back your laptop with you,

01:31:25 8 correct?

01:31:25 9 A. Yes.

01:31:26 10 Q. All right. And so nobody accessed your laptop while you

01:31:31 11 were in China, did they?

01:31:32 12 A. No.

01:31:33 13 Q. So the five secret -- the five documents with secret

01:31:40 14 information were not released to anyone, were they?

01:31:42 15 A. No.

01:31:43 16 Q. All right. Did GE ask you for your personal computer?

01:31:55 17 A. They did not.

01:31:56 18 Q. They did not, okay.

01:32:01 19 I'd like to talk about November 1st of 2017. Do you

01:32:06 20 remember that day, sir?

01:32:06 21 A. Yes.

01:32:07 22 Q. Before the FBI interviewed you, you were interviewed by

01:32:16 23 GE, correct?

01:32:16 24 A. That's correct.

01:32:17 25 Q. Where did that take place?

01:32:19 1 A. In big technical auditorium in a GE campus.

01:32:28 2 Q. Who interviewed you?

01:32:29 3 A. I barely remember his name. Steve and another

01:32:35 4 gentleman. I barely remember.

01:32:38 5 Q. Two men?

01:32:39 6 A. I think so.

01:32:40 7 Q. Okay. Both from GE?

01:32:42 8 A. Yes.

01:32:42 9 Q. All right. I don't suppose you remember their titles, do

01:32:47 10 you, sir?

01:32:48 11 A. Can you repeat your question, please?

01:32:50 12 Q. What were their titles?

01:32:52 13 A. He -- one I remember Steve mentioned he's a chief

01:32:57 14 compliance officer.

01:33:00 15 Q. Do you remember the other man's title?

01:33:01 16 A. No.

01:33:02 17 Q. All right. Did you know that during the GE interview you

01:33:08 18 were being recorded?

01:33:10 19 A. I did not know at the beginning.

01:33:13 20 Q. Did they tell you during the interview?

01:33:15 21 A. During the interview they may have mention. I forgot.

01:33:20 22 Q. Did you know you were also being videoed?

01:33:22 23 A. I did not know.

01:33:24 24 Q. Did you know that the audio and video were being piped

01:33:28 25 into another room?



## ZHENG - CROSS (McBride)

97

01:33:29 1 A. Say that again.

01:33:31 2 Q. Did you know that the audio and the video were being

01:33:34 3 broadcast into another room?

01:33:35 4 A. No, I did not.

01:33:36 5 Q. Did you know that the FBI agents were in that room?

01:33:39 6 A. I did not.

01:33:40 7 Q. Approximately how long did your interview with the

01:33:46 8 General Electric gentlemen last?

01:33:48 9 A. I would say about 10 to 15 minutes. Very short.

01:33:54 10 Q. And then what happened next?

01:33:56 11 A. Agent Hull and another FBI agent walk in.

01:34:01 12 Q. Would that be Agent Reigle?

01:34:03 13 A. Yes.

01:34:03 14 Q. So they walked into the auditorium, sir?

01:34:08 15 A. Yes.

01:34:09 16 Q. Okay. All right. Did they read you your rights?

01:34:19 17 A. Yes.

01:34:20 18 Q. Did they tell you you could go?

01:34:25 19 A. Yes.

01:34:27 20 Q. But at that time, had they taken your car out of the

01:34:33 21 parking lot?

01:34:34 22 A. They did not tell me whether they take -- took my car

01:34:38 23 from parking lot.

01:34:40 24 Q. But if you wanted to leave, your car would not have been

01:34:43 25 there during the interview, would it?

01:34:45 1 A. Sorry. I did not understand question.

01:34:47 2 Q. If you wanted to leave and get in your car, you couldn't

01:34:50 3 because it was gone, correct?

01:34:51 4 A. If it was gone, yes.

01:34:54 5 Q. All right. Did they take your cell phone?

01:34:58 6 A. Yes.

01:35:01 7 Q. Did they allow you to use your cell phone during the

01:35:05 8 interview?

01:35:05 9 A. They said if I want to call my family I can, and they

01:35:12 10 will direct some phone, but not to use my personal phone.

01:35:16 11 Q. So they gave you a phone to use?

01:35:18 12 A. That's correct.

01:35:18 13 Q. Whose phone was it?

01:35:20 14 A. Mr. -- it was given by Agent Hull.

01:35:26 15 Q. So one of the agent's phones, correct?

01:35:29 16 A. Yes.

01:35:30 17 Q. Okay. And were you allowed to call your family?

01:35:32 18 A. I was calling my wife for short period time.

01:35:35 19 Q. Did you have to speak in English?

01:35:38 20 A. I have to speak English.

01:35:42 21 Q. Did you have to have your wife on the speaker phone?

01:35:45 22 A. I don't remember.

01:35:52 23 Q. Did you know that you were being recorded during that

01:35:55 24 interview?

01:35:56 25 A. Yes.

ZHENG - CROSS (McBride)

99

01:35:58 1 Q. How long did the interview last, do you remember, sir?

01:36:02 2 A. It last until about two sessions total. I would say

01:36:11 3 about five to six hours.

01:36:12 4 Q. But in the middle of that, you had some pizza that the

01:36:15 5 agents brought for you, correct?

01:36:16 6 A. That's correct.

01:36:17 7 Q. Were you left alone at any time by the agents?

01:36:22 8 A. No.

01:36:24 9 Q. While you were being interviewed by the agents, were you

01:36:33 10 worried about your job?

01:36:34 11 A. Yes.

01:36:36 12 Q. Why?

01:36:37 13 A. I was worried I will lose my job.

01:36:46 14 Q. When you -- earlier when you spoke to the gentlemen at

01:36:51 15 GE, did they mention your employment status?

01:36:54 16 A. They mention they will put a leave without -- without

01:37:00 17 pay.

01:37:01 18 Q. When did you go on leave without pay, sir?

01:37:04 19 A. Around November 1st, starting November 1st.

01:37:12 20 Q. I don't mean to be too personal, but what was your annual

01:37:17 21 salary before you were put on leave without pay?

01:37:20 22 A. It's about 130K.

01:37:24 23 Q. Thank you.

01:37:27 24 A. Value.

01:37:29 25 Q. What did you -- how long were you on leave without pay?

01:37:30 1 A. A couple of months. I would say three months. Then my  
01:37:37 2 employment was terminated.

01:37:38 3 Q. What did you do during the three months for money?

01:37:43 4 A. I was cooperating, directing by Agent Hull.

01:37:48 5 Q. Were you paid for your cooperation?

01:37:50 6 A. No.

01:37:50 7 Q. Did you do any work while you were on paid without leave?

01:37:58 8 A. No.

01:37:59 9 Q. So did you have any income during that three-month  
01:38:02 10 period?

01:38:02 11 A. I did not have any income. I was driving for Uber  
01:38:11 12 delivery for a couple days.

01:38:15 13 Q. So you were working Uber delivery during this three-month  
01:38:19 14 period?

01:38:20 15 A. For a few days.

01:38:21 16 Q. For a few days, okay. And you were helping Agent Hull?

01:38:24 17 A. Yes.

01:38:25 18 Q. Okay. After the three months, did you become employed  
01:38:30 19 again?

01:38:30 20 A. I was employed in June of 2018.

01:38:36 21 Q. Okay. And do you still have that job, sir?

01:38:39 22 A. Yes.

01:38:39 23 Q. Where do you work?

01:38:47 24 THE COURT: Objection?

01:38:49 25 MS. GLATFELTER: Yes. May we have a brief sidebar,

ZHENG - CROSS (McBride)

101

01:38:50 1 please?

01:38:51 2 THE COURT: Yes. It's been a while.

01:38:56 3 MS. GLATFELTER: Yes.

01:38:56 4 THE COURT: You want that sidebar?

01:38:58 5 MS. GLATFELTER: Yes, please.

01:38:59 6 THE COURT: Yes, please.

01:40:33 7 (At sidebar.)

01:40:33 8 MS. GLATFELTER: I'm requesting that we don't go  
01:40:33 9 into personal details to the name of the witness' current  
01:40:33 10 employer and his job details. He is very concerned about his  
01:40:33 11 safety. He's asked that we redact his name out of all the  
01:40:33 12 documents, which we've done. We have taken care not to  
01:40:34 13 mention his name many times because the press is here because  
01:40:34 14 I don't think it's relevant to where he is working now.

01:40:34 15 Maybe you can ask him the type of position that he holds.

01:40:34 16 THE COURT: Frankly, it surprised me.

01:40:34 17 MR. McBRIDE: I'm sorry?

01:40:34 18 THE COURT: Frankly, it surprised me.

01:40:34 19 MR. McBRIDE: I'm sorry. Why did it surprise you,  
01:40:34 20 sir?

01:40:34 21 THE COURT: Because it's not relevant as far as I  
01:40:34 22 know.

01:40:34 23 MR. McBRIDE: I'll move on, sir.

01:40:34 24 THE COURT: And we knew we were trying to protect  
01:40:34 25 his identity, and you asked him a question that wasn't

## ZHENG - CROSS (McBride)

102

01:40:34 1 relevant.

01:40:35 2 MR. McBRIDE: I will not do that again, sir.

01:40:35 3 THE COURT: Very well.

01:40:38 4 (In open court.)

01:40:46 5 BY MR. McBRIDE:

01:40:52 6 Q. Ms. Glatfelter asked you about the non-prosecution  
01:40:54 7 agreement. I'd like to talk about that for just a minute.

01:40:59 8 A. Okay.

01:41:00 9 Q. Were you required by the terms of the non-pros  
01:41:10 10 agreement -- let me ask a better question, sir.

01:41:13 11 Under the terms of the non-pros agreement, were you able  
01:41:19 12 to work for Pratt-Whitney?

01:41:21 13 A. Can you repeat your question, please?

01:41:24 14 Q. One of the terms -- under the terms of the -- let me see  
01:41:28 15 if I can put this better, sir.

01:41:30 16 After you signed the non-prosecution agreement, were you  
01:41:34 17 permitted to work for Pratt-Whitney?

01:41:36 18 A. No.

01:41:37 19 Q. Were you permitted to work for Boeing?

01:41:39 20 A. Boeing, yes.

01:41:44 21 Q. Siemens?

01:41:46 22 A. No.

01:41:47 23 Q. Rolls-Royce? Were you allowed to work for Rolls-Royce,  
01:41:58 24 sir?

01:41:58 25 A. No.

## ZHENG - CROSS (McBride)

103

01:42:02 1 Q. Are they competitors of General Electric?

01:42:05 2 A. Yes.

01:42:12 3 MR. McBRIDE: Can I have a moment, Your Honor?

01:42:14 4 THE COURT: Yes.

01:42:22 5 (Pause.)

01:42:22 6 BY MR. McBRIDE:

01:42:22 7 Q. I'd like to ask you about your cooperation that

01:42:26 8 Ms. Glatfelter reviewed with you.

01:42:27 9 A. Okay.

01:42:28 10 Q. You had a relationship with Agent Hull where you were

01:42:36 11 cooperating with the FBI, correct?

01:42:39 12 A. That's correct.

01:42:39 13 Q. All right. And some of your cooperation was

01:42:43 14 communicating with either Chen Feng or Qu Hui, correct?

01:42:48 15 A. That's correct.

01:42:49 16 Q. All right. Some of those communications were WeChats,

01:42:53 17 correct?

01:42:54 18 A. Yes.

01:42:54 19 Q. I'd like -- and some of them were phone calls, correct?

01:42:58 20 A. That's correct.

01:42:58 21 Q. And some of them were emails, correct?

01:43:00 22 A. Yes.

01:43:01 23 Q. So I'd like to ask you, sir, the process. Who developed

01:43:06 24 the messages to be sent to Chen Feng or Qu Hui?

01:43:11 25 A. Agent Hull developed the message.

01:43:14 1 Q. How did you receive them?

01:43:15 2 A. They will call my lawyer, and we meet somewhere near my

01:43:24 3 house. They will hand me the message that I'm going to

01:43:32 4 sent, and I will translate into Chinese and send it through

01:43:37 5 WeChat.

01:43:38 6 Q. Did you use your own phone for the WeChat?

01:43:41 7 A. Can you repeat the question, please?

01:43:43 8 Q. Did you use your own phone to send the messages?

01:43:49 9 A. Yes.

01:43:50 10 Q. To your knowledge, did anyone confirm that you sent an

01:43:58 11 accurate message?

01:44:01 12 A. Can you repeat your question, please?

01:44:03 13 Q. To your knowledge, did anyone confirm that the message in

01:44:07 14 Mandarin you sent was accurate?

01:44:09 15 A. Yes. After my translation, before I sent, it will be

01:44:14 16 checked by FBI before I sent.

01:44:19 17 Q. Is it the same basic process for emails?

01:44:24 18 A. That's correct.

01:44:25 19 Q. And then I know you made some calls. Were they -- Agent

01:44:32 20 Hull was present too, correct?

01:44:33 21 A. That's correct.

01:44:34 22 Q. All right. Did he give you instruction on what to say in

01:44:38 23 the calls?

01:44:38 24 A. Yes.

01:44:39 25 Q. And you followed that instruction?



## ZHENG - CROSS (McBride)

105

01:44:42 1 A. Yes.

01:44:54 2 MR. McBRIDE: May I have a moment, Your Honor?

01:44:56 3 THE COURT: Yes.

01:44:56 4 MR. McBRIDE: I'm almost done.

01:45:07 5 (Pause.)

01:45:07 6 BY MR. McBRIDE:

01:45:07 7 Q. Were you involved at all in the sale of GE engines?

01:45:12 8 A. No.

01:45:22 9 Q. I believe you mentioned to us earlier that you were  
01:45:28 10 WeChat friends with Chen Feng, correct?

01:45:31 11 A. Yes.

01:45:32 12 Q. And as such, he could download photographs from your  
01:45:35 13 WeChat site, correct?

01:45:36 14 A. That's correct.

01:45:37 15 Q. You also told us, sir, that you tried to look to see how  
01:45:44 16 long it would take to download WeChats?

01:45:47 17 A. Yes.

01:45:48 18 Q. And when did you do that, sir?

01:45:50 19 A. I was directed by Agent Hull. He asked me to check  
01:45:56 20 about 200 photos, and he asked me check the pictures that I  
01:46:04 21 shared through my WeChat moments. And he want to check  
01:46:10 22 whether it's -- how long will take to download these  
01:46:16 23 pictures to a phone. And I was comparing that with using my  
01:46:22 24 wife's phone because I'm friends with WeChat with my wife.  
01:46:29 25 So I can view all my postings from her phone.

## ZHENG - CROSS (McBride)

106

01:46:36 1 Q. When did Agent Hull ask you to do this?

01:46:38 2 A. Can you repeat your question?

01:46:41 3 Q. I'm sorry, sir. When did Agent Hull ask you to see how

01:46:46 4 fast you could download your images?

01:46:48 5 A. During the investigation. I don't remember exactly

01:46:51 6 which months.

01:46:52 7 Q. That's fine. Would you agree that the images could be

01:46:58 8 downloaded faster on a computer than on a phone?

01:47:03 9 A. Can you repeat the question?

01:47:04 10 Q. Would you agree with me that the WeChat photos could be

01:47:11 11 downloaded faster on a computer than on a phone?

01:47:14 12 A. I don't know. I only downloaded to the phone.

01:47:19 13 Q. Thank you.

01:47:19 14 A. It's easier to view WeChat on the phone.

01:47:23 15 Q. Did you have any images on QQ?

01:47:25 16 A. Yes -- say that question again.

01:47:29 17 Q. Did you have any photographs on QQ?

01:47:32 18 A. Some -- some of them, yes, I have.

01:47:35 19 Q. Thank you. Can you download QQ images in one batch?

01:47:39 20 A. You can.

01:47:41 21 MR. McBRIDE: Your Honor, may I have a moment to

01:47:43 22 talk to my colleagues?

01:47:45 23 THE COURT: Yes.

01:47:56 24 (Pause.)

01:47:56 25 MR. McBRIDE: Your Honor, that's all I have for

## ZHENG - CROSS (McBride)

107

01:47:57 1 Mr. Zheng.

01:47:58 2 THE COURT: Very well. Thank you.

01:48:01 3 Redirect?

01:48:03 4 MS. GLATFELTER: No. Thank you, Your Honor.

01:48:04 5 THE COURT: Very well.

01:48:06 6 Sir, your testimony's finished. Thank you. You are free

01:48:09 7 to go.

01:48:10 8 THE WITNESS: Thank you.

01:48:21 9 THE COURT: Where do we stand from the government's

01:48:23 10 perspective?

01:48:25 11 MR. MANGAN: We have got a witness ready to go, Your

01:48:27 12 Honor.

01:48:27 13 THE COURT: Okay. Do you want to call that witness?

01:55:45 14 MR. MANGAN: Yes, Your Honor. The government calls

01:55:46 15 Jim Olson.

01:55:48 16 THE COURT: Is somebody going to get him or her?

01:55:53 17 MS. GLATFELTER: Yes, Your Honor.

01:56:39 18 THE COURT: If the witness would be willing to

01:56:40 19 approach, we're going to put you on the witness stand.

01:56:49 20 Sir, if you'd be willing to pause. I am going to

01:56:52 21 administer the oath to tell the truth.

01:56:54 22 Would you raise your right hand. Do you solemnly swear

01:56:57 23 or affirm that your testimony today will be the truth, subject

01:56:59 24 to the penalty of perjury?

01:57:01 25 THE WITNESS: I do.

01:57:02 1 **JAMES OLSON, PLAINTIFF WITNESS, SWORN**

01:57:02 2 THE COURT: Very well. Be seated in the witness  
01:57:05 3 stand.

01:57:09 4 In the spirit of full disclosure that seat sometimes tips  
01:57:14 5 back, okay? We'll need you close to that microphone. Thank  
01:57:18 6 you, sir.

01:57:20 7 Mr. Mangan, you can begin.

01:57:26 8 You will have some questions from the government's  
01:57:28 9 lawyer.

01:57:28 10 MR. MANGAN: Thank you, Your Honor.

01:57:29 11 **DIRECT EXAMINATION**

01:57:29 12 BY MR. MANGAN:

01:57:30 13 Q. Good afternoon, Mr. Olson.

01:57:31 14 A. Good afternoon.

01:57:31 15 Q. Could you state your full name and spell your last name?

01:57:34 16 A. My full name is James Michael Olson, O-L-S-O-N.

01:57:38 17 Q. And, Mr. Olson, could you tell the jury your educational  
01:57:42 18 background?

01:57:42 19 A. Yes. I have a bachelor's in law degrees from the  
01:57:47 20 University of Iowa.

01:57:50 21 Q. And did you ever serve in the military?

01:57:52 22 A. Yes, I did. I was in the United States Navy, served  
01:57:57 23 aboard guided missile destroyers and frigates and stayed in  
01:58:01 24 the reserves after three and a half years of active duty.  
01:58:04 25 And eventually achieved the rank of lieutenant commander.

01:58:10 1 Q. And when did you complete your service with the Navy?

01:58:13 2 A. I completed my service in the Navy in 1966.

01:58:16 3 Q. Thank you. Can you explain to the jury where you worked  
01:58:20 4 for most of your career?

01:58:22 5 A. Most of my career was with the Central Intelligence  
01:58:26 6 Agency. I served there for 31 years.

01:58:29 7 Q. Let's start with what the CIA does. That agency is  
01:58:35 8 typically referred to as the CIA, correct?

01:58:38 9 A. Yes. The CIA is responsible for collection,  
01:58:43 10 dissemination, analysis of intelligence from foreign sources  
01:58:50 11 to provide necessary intelligence to U.S. policymakers.

01:58:55 12 Q. And during your service with the CIA, what was your  
01:59:02 13 primary role?

01:59:03 14 A. I was what we call a case officer. I was undercover  
01:59:05 15 the entire time, and my job was to collect intelligence  
01:59:09 16 overseas in foreign countries.

01:59:16 17 Q. Have you heard the term "clandestine service"?

01:59:19 18 A. Yes. I was part of the clandestine service, or the  
01:59:23 19 director of operations, as we sometimes call it.

01:59:25 20 Q. Can you explain what that is?

01:59:26 21 A. The clandestine service is the part of the CIA that is  
01:59:30 22 undercover and conducts espionage and covert action on  
01:59:34 23 behalf the of the United States government.

01:59:36 24 Q. Explain what you mean by "undercover." You said most of  
01:59:38 25 your career you were operating undercover?

OLSON - DIRECT (Mangan)

110

01:59:40 1 A. Yes. I was undercover the entire time. In fact, my  
01:59:46 2 parents did not know that I was in the CIA. Our children  
01:59:50 3 did not know. And you have cover for purposes of concealing  
01:59:54 4 your identity and your intelligence affiliation and your  
01:59:59 5 purpose while you are overseas.

02:00:01 6 Q. By the way, was your wife also in the service?

02:00:07 7 A. Yes. I met my wife, Meredith, at the CIA. We were an  
02:00:12 8 undercover husband and wife CIA team.

02:00:15 9 Q. All right. Can you explain what kind of training a  
02:00:21 10 person goes through to do what you do?

02:00:23 11 A. Training is rigorous. Most of the clandestine service  
02:00:27 12 training takes place at an undercover base that we call The  
02:00:30 13 Farm. And we learn all the techniques of espionage, the  
02:00:34 14 tradecraft, what we call the recruitment cycle, and we also  
02:00:38 15 have some paramilitary training to go along with that.

02:00:41 16 Q. You mentioned that you worked in the CIA for about 31  
02:00:47 17 years. About how many of those years were you operational  
02:00:51 18 overseas?

02:00:52 19 A. I was operational probably 25 of those 31 years,  
02:00:58 20 outside the country.

02:00:59 21 Q. And generally what continent did you typically work in?

02:01:03 22 A. I worked primarily in Europe, but I also served in  
02:01:07 23 Latin America.

02:01:09 24 Q. And during those overseas postings, did you perform what  
02:01:16 25 might be called intelligence operations?

OLSON - DIRECT (Mangan)

111

02:01:18 1 A. Yes, I did. I was collecting intelligence through  
02:01:23 2 intelligence operations against foreign targets.

02:01:25 3 Q. Can you just explain a little bit more about what that  
02:01:29 4 means, to do an intelligence operation?

02:01:31 5 A. It's spying. It is finding foreign people who have  
02:01:36 6 access to information that our country needs for its own  
02:01:41 7 security. And our job is to induce them to share that  
02:01:44 8 information with us in return for money or some other  
02:01:48 9 consideration.

02:01:50 10 Q. Later in your career, did you end up taking a position at  
02:01:55 11 CIA headquarters?

02:01:56 12 A. Yes. I had a couple of assignments at CIA  
02:02:00 13 headquarters. At one point I was chief of Soviet  
02:02:04 14 operations, and then later my most significant position at  
02:02:06 15 CIA headquarters was as chief of counterintelligence.

02:02:10 16 Q. And how long were you the chief of counterintelligence at  
02:02:14 17 the CIA?

02:02:14 18 A. I was deputy chief of counterintelligence for one year  
02:02:18 19 and chief for two years.

02:02:19 20 Q. What do you oversee as the chief of counterintelligence?

02:02:26 21 A. As chief of counterintelligence, my responsibility was  
02:02:29 22 to monitor the activities of foreign intelligence services  
02:02:32 23 around the world and do what we could to identify who they  
02:02:39 24 were and what they were doing and to support those  
02:02:40 25 activities, to bring with the aid of U.S. government

OLSON - DIRECT (Mangan)

112

02:02:44 1 prosecutors those guilty of treason against the United  
02:02:47 2 States to justice.

02:02:48 3 Q. All right. As part of your training and your work, what  
02:02:54 4 languages do you speak?

02:02:55 5 A. I speak French, Russian, German, Spanish, Swedish, and  
02:03:04 6 I read Latin.

02:03:06 7 Q. During your time with the CIA, did you receive any  
02:03:11 8 commendations for your work?

02:03:12 9 A. Yes, I did. I was awarded the Intelligence Medal of  
02:03:19 10 Merit, the Career Intelligence Medal, the Distinguished  
02:03:24 11 Intelligence Medal, the Counterintelligence Medal, and the  
02:03:28 12 Donovan Award, and maybe a few others.

02:03:30 13 Q. Are you familiar with something called the Joint Military  
02:03:34 14 Intelligence College?

02:03:34 15 A. Yes, the Joint Military Intelligence College is one of  
02:03:38 16 the leading training facilities for the United States  
02:03:40 17 military, teaching intelligence and counterintelligence.  
02:03:45 18 And I actually taught there for a year.

02:03:47 19 Q. What kinds of things did you teach?

02:03:49 20 A. Counterintelligence.

02:03:50 21 Q. All right. At some point did you take on a role at Texas  
02:03:55 22 A&M University?

02:03:55 23 A. Yes, I did. After lengthy service in the CIA, I had  
02:04:03 24 always thought I might like to teach some day. And when  
02:04:08 25 President George Bush decided to put his presidential



02:04:11 1 library and museum at Texas A&M University, he wanted to  
02:04:16 2 have a school of government in his name. He wanted to make  
02:04:20 3 certain that intelligence was part of the curriculum. And  
02:04:23 4 so he asked the director of the CIA to send someone to Texas  
02:04:31 5 A&M University to build the intelligence studies program,  
02:04:34 6 and I had the honor to be chosen to do that.

02:04:36 7 Q. When you were selected to do that, did you need to come  
02:04:39 8 out from cover?

02:04:39 9 A. Yes, yes. The CIA does not allow its officers to be on  
02:04:44 10 college campuses covertly. And that was a traumatic  
02:04:48 11 decision for Meredith and me because we had never wanted to  
02:04:51 12 come out from undercover. But it was such a privilege to be  
02:04:54 13 able to go there and to work at that school that we decided  
02:04:57 14 we'd accept the consequences of coming out.

02:04:59 15 Q. And what does that mean, to come out from cover?

02:05:01 16 A. It means announcing to the whole world that you were a  
02:05:04 17 spy, that you were lying to your friends and your family for  
02:05:07 18 many, many years. It's something that we don't enjoy doing,  
02:05:13 19 but it is necessary to have the opportunity to be a  
02:05:17 20 professor, as I am now.

02:05:19 21 Q. Are you still at Texas A&M?

02:05:21 22 A. Yes, I am.

02:05:22 23 Q. And what is your position?

02:05:23 24 A. I am a professor of the practice and also the director  
02:05:29 25 of the intelligence studies program at the Bush school.

OLSON - DIRECT (Mangan)

114

02:05:33 1 Q. You mentioned you were still with the CIA when you  
02:05:38 2 started at the university.

02:05:39 3 A. Yes. For the first two and a half years at Texas A&M  
02:05:43 4 University I was still a serving counterintelligence officer  
02:05:46 5 for the CIA. I was on loan to the Bush school of Texas A&M  
02:05:52 6 University. But after two and a half years, I was eligible  
02:05:55 7 to retire, and the CIA offered some attractive positions  
02:05:59 8 back in Washington. But the Bush school came in and said,  
02:06:03 9 Jim, if you would like to stay here, we will offer you a  
02:06:06 10 professorship. And that was very appealing to me because I  
02:06:09 11 identified with the mission of preparing young men and women  
02:06:12 12 for careers in intelligence.

02:06:13 13 Q. What year did you retire from the CIA?

02:06:18 14 A. I retired in the year 2000.

02:06:20 15 Q. All right. And have you been at Texas A&M ever since?

02:06:24 16 A. Yes, I have.

02:06:25 17 Q. In your current work at the university, how do you stay  
02:06:30 18 apprised of current matters related to espionage and  
02:06:36 19 counterintelligence?

02:06:36 20 A. I follow all the literature. I follow the press  
02:06:40 21 reporting. I follow the FBI Department of Justice  
02:06:43 22 affidavits. I read the indictments and other sources. One  
02:06:49 23 of the best sources that I followed is the reports of the  
02:06:53 24 National Counterintelligence Security Center. Those are  
02:06:57 25 excellent.

02:06:57 1 I'm also in regular contact with the currently serving  
02:07:01 2 counterintelligence professionals around the community.

02:07:04 3 Q. Is there a close relationship between your program at  
02:07:08 4 Texas A&M and the agency?

02:07:10 5 A. Yes.

02:07:13 6 Q. Have you written any books related to espionage or  
02:07:16 7 spying?

02:07:16 8 A. I have written two books, the first book was called  
02:07:20 9 *Fair Play, The Moral Limits of Spying*. And then my more  
02:07:25 10 recent book, which was published in 2019, is called *To Catch*  
02:07:30 11 *a Spy, The Art of Counterintelligence*.

02:07:33 12 Q. Now, Mr. Olson, based on your experience, are you  
02:07:37 13 familiar with the methods and techniques used by intelligence  
02:07:41 14 officers to acquire information?

02:07:42 15 A. Yes, I am.

02:07:43 16 Q. Are you familiar with China's intelligence-gathering  
02:07:47 17 operations?

02:07:48 18 A. Yes, I am.

02:07:48 19 Q. And are you familiar with China's intelligence-gathering  
02:07:53 20 agencies and methods?

02:07:54 21 A. Yes.

02:07:55 22 Q. Now, let me talk generally about intelligence gathering,  
02:08:01 23 if we might. Can you explain from your experience, you know,  
02:08:06 24 what the typical goal is for an intelligence-gathering agency  
02:08:09 25 for a country?

02:08:10 1 A. The intelligence services of a foreign country are to  
02:08:15 2 collect intelligence, to enhance the security of that  
02:08:18 3 country, or its economy or its technological sector. They  
02:08:24 4 have many, many objectives to use the tools of espionage to  
02:08:29 5 enhance the security, the well-being of their people.

02:08:32 6 Q. All right. If you use the word "espionage," what does  
02:08:36 7 that mean in your -- your parlance?

02:08:39 8 A. Espionage is spying. It's stealing secrets. It's  
02:08:43 9 collecting intelligence.

02:08:44 10 Q. Are you familiar with the term "industrial espionage"?

02:08:49 11 A. Yes, I am.

02:08:49 12 Q. And what would that mean?

02:08:50 13 A. Industrial espionage is stealing another country's  
02:08:54 14 industrial secrets, its trade secrets, proprietary  
02:08:58 15 information, its technology for the benefit of your own  
02:09:01 16 country.

02:09:01 17 Q. All right. In working for an intelligence agency --  
02:09:05 18 let's go back to your role when you were a case officer. How  
02:09:10 19 do you know what information is needed?

02:09:12 20 A. We call that the requirements process, and it is a  
02:09:18 21 formal process of determining what your consumers need. And  
02:09:25 22 you then talk to them. You obtain lists of requirements,  
02:09:31 23 information, and, for some countries, technology, other  
02:09:35 24 things that they need. And so that's your starting point in  
02:09:39 25 the process of collecting intelligence. You have got to

OLSON - DIRECT (Mangan)

117

02:09:44 1 need to know up front what it is that you're seeking.

02:09:46 2 **Q.** All right. You said you're gathering information for  
02:09:49 3 your consumers. What do you mean by "consumers"?

02:09:52 4 **A.** Well, for us it would be the U.S. policymakers. It  
02:09:57 5 would be the President of the United States in the first  
02:09:59 6 place. It would be the Department of Defense. It would be,  
02:10:02 7 for all the mainline agencies, the policymakers of the  
02:10:06 8 United States government. They depend on us to provide them  
02:10:09 9 with the best intelligence that we can.

02:10:10 10 **Q.** All right. Have you heard the term "open-source  
02:10:14 11 information"?

02:10:14 12 **A.** Yes.

02:10:15 13 **Q.** And can you explain what your understanding of that is?

02:10:18 14 **A.** Every intelligence service has analysts whose job it is  
02:10:24 15 to monitor the international press, the speeches, the public  
02:10:34 16 documents, things that are in the public domain. And we  
02:10:38 17 call that open-source. Those are things that are publicly  
02:10:42 18 available. And that is something that every intelligence  
02:10:47 19 service does through its analysts.

02:10:49 20 **Q.** When you talk about the requirements that an intelligence  
02:10:51 21 officer is looking for, are those typically found in  
02:10:55 22 open-source areas?

02:10:56 23 **A.** Not at all, no.

02:10:59 24 **Q.** Can you explain that?

02:11:00 25 **A.** Yes. Operators are different, and I was an operator.

OLSON - DIRECT (Mangan)

118

02:11:06 1 And we operators do not want to waste our time and resources  
02:11:10 2 on what is publicly or commercially available. We go after  
02:11:16 3 what is secret and controlled. That is our mission, and  
02:11:20 4 that's what we do.

02:11:23 5 Q. So is your focus strictly on that category of information  
02:11:27 6 that may not be available?

02:11:28 7 A. Completely. We do not go after open-source.

02:11:33 8 Q. Does the open-source information help define the  
02:11:38 9 requirements?

02:11:38 10 A. Yes. It's useful as a starting point, as a foundation,  
02:11:42 11 as a basis. You need to know what's out there in the public  
02:11:47 12 domain, and then you have to identify what's not in the  
02:11:49 13 public domain, and that's what you go after as a clandestine  
02:11:53 14 service officer.

02:11:54 15 Q. All right. Sir, are you familiar with China's  
02:11:58 16 intelligence-gathering operations?

02:12:00 17 A. Yes, I am.

02:12:01 18 Q. All right. What is the primary agency within China that  
02:12:05 19 conducts external intelligence operations?

02:12:07 20 A. That is the Ministry of State Security, or MSS as we  
02:12:12 21 call it.

02:12:13 22 Q. All right. In terms of a parallel agency for the CIA,  
02:12:17 23 what would that parallel be in China?

02:12:19 24 A. The MSS.

02:12:20 25 Q. All right. Do they also have some domestic

OLSON - DIRECT (Mangan)

119

02:12:24 1 responsibilities as well?

02:12:25 2 **A.** Yes, the MSS does have some collateral responsibilities  
02:12:30 3 for counterintelligence, for tracking political dissidents,  
02:12:36 4 but their overriding mission is overseas espionage outside  
02:12:42 5 China.

02:12:42 6 **Q.** All right. Is there another ministry in China that is  
02:12:45 7 strictly for internal intelligence?

02:12:47 8 **A.** Yes, it's the Ministry of Public Safety, or MPS as we  
02:12:51 9 call it. And it is in charge of domestic security, counter-  
02:12:56 10 terrorism, counterintelligence, that kind of thing.

02:12:59 11 **Q.** Have you heard of the term the "PLA"?

02:13:01 12 **A.** Yes.

02:13:01 13 **Q.** Is that the People's Liberation Army?

02:13:04 14 **A.** Yes. That's the Chinese military, and the PLA,  
02:13:10 15 People's Liberation Army, also has an intelligence arm. And  
02:13:12 16 they, for one thing, are responsible for most of the cyber  
02:13:15 17 attacks on the United States.

02:13:17 18 **Q.** When it comes to intelligence-gathering operations, is  
02:13:21 19 there one particular ministry that is the most dominant in  
02:13:25 20 China?

02:13:25 21 **A.** The MSS is dominant.

02:13:28 22 **Q.** Can you talk a little bit about what are China's  
02:13:38 23 espionage efforts geared towards?

02:13:42 24 **A.** The MSS does collect against the traditional espionage  
02:13:48 25 targets of political and military secrets, but its number

02:13:51 1 one objective is to acquire western technology, to steal  
02:13:56 2 western technology. That is the main purpose of the MSS.

02:14:01 3 Q. Is that different from how the CIA worked?

02:14:06 4 A. Yes, it's completely different because we do not do  
02:14:09 5 that kind of thing. We do not engage in industrial  
02:14:12 6 espionage in our country.

02:14:14 7 Q. All right. Let me talk about -- go back to this idea of  
02:14:24 8 the requirements, if I might. When you're trying to define  
02:14:34 9 those requirements for the case officers, do you sometimes  
02:14:38 10 have to work with technical experts?

02:14:41 11 A. Yes, you do. If you are going after technical  
02:14:43 12 intelligence, you want to talk to technical experts in your  
02:14:46 13 country to determine what it is that they need.

02:14:49 14 Q. Okay. Do they help define those requirements --

02:14:49 15 A. Yes, they do.

02:14:50 16 Q. -- for you?

02:14:50 17 A. Yes, they do.

02:14:52 18 Q. And after you've gathered information, does the officer  
02:14:56 19 sometimes go back to those experts to help understand whether  
02:14:59 20 they hit the requirements or not?

02:15:01 21 A. Yes, that's very common.

02:15:03 22 Q. All right. To what extent is the intelligence officer's  
02:15:09 23 mission driven by those requirements?

02:15:11 24 A. They guide what we do. I mean, we only go after secret  
02:15:17 25 information that is desired, which is a priority of the



OLSON - DIRECT (Mangan)

121

02:15:20 1 United States government. We do not stray away from that.

02:15:25 2 We know exactly what our marching orders are, what the

02:15:28 3 United States government needs in terms of intelligence, and

02:15:32 4 that's what our objectives are.

02:15:34 5 Q. Okay. Let me go through a couple terms just to make sure

02:15:40 6 we're all learning your lingo or using the same lingo here.

02:15:44 7 A. Sure.

02:15:45 8 Q. I think you referred to yourself as a case officer; is

02:15:47 9 that correct?

02:15:48 10 A. I'm a case officer.

02:15:49 11 Q. Or you were?

02:15:49 12 A. Yes. I'm proud of being called a case officer.

02:15:52 13 Q. If someone says "intelligence officer," is that a similar

02:15:56 14 term?

02:15:56 15 A. Yes.

02:15:57 16 Q. All right. And would you consider that a spy?

02:16:02 17 A. Yes.

02:16:02 18 Q. All right. How about when a case officer recruits a

02:16:08 19 person in a foreign country to help provide information, what

02:16:14 20 do you refer to that person as?

02:16:15 21 A. An agent.

02:16:18 22 Q. All right.

02:16:18 23 A. So in our jargon, our parlance, it's a case officer who

02:16:24 24 recruits and handles an agent.

02:16:26 25 Q. Okay. Are there sometimes other words used for an agent?

OLSON - DIRECT (Mangan)

122

02:16:31 1 A. Spy, source, informant.

02:16:39 2 Q. All right. I think we already talked about covers.

02:16:44 3 Let me ask you about, are some operation -- in your area,  
02:16:48 4 are most of the operations considered covert?

02:16:51 5 A. Yes.

02:16:51 6 Q. And can you explain what you mean by that?

02:16:55 7 A. "Covert" just means secret, that we protect the purpose  
02:17:03 8 of our operations and our methodologies. We keep secrets as  
02:17:08 9 well.

02:17:08 10 Q. Okay. And then I wanted to ask you about the term --  
02:17:11 11 have you heard of the term "humint," H-U-M-I-N-T?

02:17:18 12 A. Oh, yes, I have.

02:17:19 13 Q. What is that?

02:17:19 14 A. That was my specialty. Humint is H-U-M-I-N-T. It is  
02:17:24 15 short for human intelligence. And it is going after  
02:17:29 16 individuals, human beings, who have the access that we are  
02:17:33 17 looking for, and they are our target.

02:17:37 18 Q. And is humint intelligence different from other types of  
02:17:42 19 collection?

02:17:43 20 A. Yes, it is. There's also technical collection. We  
02:17:48 21 might call that signals intelligence. We have imagery  
02:17:51 22 intelligence based on what we are seeing from our  
02:17:54 23 satellites. So those are the main categories of  
02:17:57 24 intelligence.

02:17:58 25 Q. Are there times when someone who works in humint

02:18:02 1 intelligence, like yourself, has to work with another person  
02:18:07 2 who's doing cyber or signals intelligence?

02:18:11 3 A. Yes. The intelligence process is combining all those  
02:18:14 4 different sources, all those different approaches to provide  
02:18:17 5 the best intelligence possible for U.S. government policy-  
02:18:21 6 makers.

02:18:22 7 Q. All right, sir. Have you heard of the term "recruitment  
02:18:26 8 cycle"?

02:18:26 9 A. Yes. Recruitment cycle I am very familiar with.

02:18:30 10 MR. MANGAN: If I could, Your Honor, could we show  
02:18:32 11 the witness Exhibit 100? It has not yet been admitted.

02:18:36 12 THE COURT: Yes, we'll show it to the witness.

02:18:39 13 BY MR. MANGAN:

02:18:39 14 Q. It will show up on your screen there.

02:18:41 15 Do you see that, Mr. Olson?

02:18:43 16 A. Not yet.

02:18:46 17 Yes, there it is.

02:18:48 18 Q. Okay. And would this exhibit help you explain the  
02:18:52 19 recruitment cycle to the jury?

02:18:53 20 A. Yes, it will be helpful.

02:18:57 21 MR. MANGAN: Your Honor --

02:18:59 22 THE WITNESS: Generally, we describe the recruitment  
02:19:01 23 cycle --

02:19:03 24 BY MR. MANGAN:

02:19:03 25 Q. Hang on. Before I get it, I want to show it to the jury.

02:19:07 1 So they don't see it yet.

02:19:08 2 A. Sorry.

02:19:09 3 MR. MANGAN: Your Honor, we'd move to admit Exhibit  
02:19:12 4 100 as a demonstrative exhibit.

02:19:15 5 MR. McBRIDE: No objection, Your Honor.

02:19:15 6 THE COURT: It's admitted as a demonstrative  
02:19:15 7 exhibit.

02:19:16 8 (Government's Exhibit 100 was received in evidence.)

02:19:16 9 MR. MANGAN: May we publish?

02:19:17 10 THE COURT: Yes. We will show it to the jury.

02:19:20 11 BY MR. MANGAN:

02:19:21 12 Q. One moment and it will come up on their screens.

02:19:23 13 A. All right.

02:19:23 14 Q. And then I wanted to ask you, Mr. Olson, if you can go  
02:19:26 15 ahead and tell us, what is the recruitment cycle? And then  
02:19:30 16 we'll walk through the steps.

02:19:32 17 A. The recruitment cycle is what we spies do. It's  
02:19:40 18 something that's universal. All intelligence services go  
02:19:43 19 through the same process to recruit spies, and it is the  
02:19:46 20 bread and butter of our human intelligence business. And it  
02:19:49 21 is a step-by-step process.

02:19:52 22 Q. All right. Let's talk through the beginning parts of it.  
02:19:54 23 Can you walk through these steps and explain what they mean?

02:19:57 24 A. Yes. Spotting is looking for individuals who have the  
02:20:05 25 information or the technology that corresponds to your

OLSON - DIRECT (Mangan)

125

02:20:10 1 requirements. This is what you are looking for, and you are  
02:20:14 2 looking for people who have that information, who have that  
02:20:18 3 access, who have that technology. So that is spotting,  
02:20:23 4 finding people that are potential sources for you.

02:20:28 5 **Q.** Let me -- before we kind of go through some of these  
02:20:31 6 other items, with respect to the MSS, can you talk about how  
02:20:36 7 they do spotting?

02:20:37 8 **A.** Their spotting is very aggressive. It's very  
02:20:44 9 efficient. They look at American agencies or companies that  
02:20:50 10 they are interested in. They look for indications of who's  
02:20:55 11 employed there, who's working on the specific project that  
02:20:59 12 they are interested in. They use a lot of social media also  
02:21:02 13 for that purpose. So they are looking for people in those  
02:21:05 14 companies or in those organizations or agencies that have  
02:21:09 15 access to the information or technology they are looking  
02:21:13 16 for. That's called spotting.

02:21:15 17 **Q.** So with respect -- to let's talk about the acquisition of  
02:21:19 18 technology. What types of folks does the MSS target for  
02:21:25 19 recruitment?

02:21:25 20 **A.** They will recruit any American, for example, who has  
02:21:31 21 secret information or access to technology that they're  
02:21:35 22 interested in.

02:21:36 23 **Q.** Is ethnicity a factor?

02:21:39 24 **A.** Ethnicity has been a big factor for the MSS.

02:21:44 25 **Q.** Explain what you mean by that.

02:21:46 1 A. The MSS likes to play the ethnic card, and that means  
02:21:51 2 that the Chinese intelligence service is looking for ethnic  
02:21:56 3 Chinese as targets. So, for example, if they find a Chinese  
02:22:01 4 American who has U.S. citizenship or a green card, that  
02:22:06 5 would be someone that they will look at very closely because  
02:22:09 6 they believe that ethnic Chinese in the United States may  
02:22:14 7 still have some loyalty to Mother China. They may feel a  
02:22:19 8 cultural affinity. They speak the same language. And then  
02:22:22 9 they may actually have relatives who still live in China,  
02:22:26 10 which gives them leverage.

02:22:27 11 So they look, in the first place, for ethnic Chinese as  
02:22:30 12 their targets. Not exclusively, but when they find it in  
02:22:35 13 the Chinese, that's something that they look at very, very  
02:22:38 14 carefully.

02:22:39 15 Q. Is -- are you familiar with LinkedIn?

02:22:43 16 A. I am, yes.

02:22:44 17 Q. Is LinkedIn used in the spotting process for the MSS?

02:22:48 18 A. Massively.

02:22:50 19 Q. Can you explain that.

02:22:51 20 A. It may be one of their major spotting mechanisms,  
02:22:55 21 because on LinkedIn, what do they find? They find the  
02:22:58 22 resumes of American government officials, former military  
02:23:03 23 officers, engineers in high-tech companies, employees at  
02:23:08 24 national laboratories who are looking for new employment.  
02:23:11 25 And those people post their resumes, in many cases indicate

OLSON - DIRECT (Mangan)

127

02:23:16 1 what U.S. government security clearances they had. They  
02:23:18 2 talk about the projects they were involved in.

02:23:20 3 So LinkedIn is like a candy store, if I can put it that  
02:23:24 4 way, for Chinese intelligence, because they've already  
02:23:27 5 identified people who meet their criteria.

02:23:30 6 **Q.** All right. I'd like to return, if you could walk us  
02:23:33 7 through the recruiting cycle.

02:23:35 8 **A.** Yes.

02:23:35 9 **Q.** We talked a little bit about spotting. If you could just  
02:23:38 10 kind of walk us through some of these other steps so that the  
02:23:40 11 jury understands what -- what these terms mean.

02:23:42 12 **A.** Right. After you've spotted a potential target for  
02:23:46 13 recruitment, the next step is called assessing. And  
02:23:51 14 assessing is trying to determine, first of all, does this  
02:23:54 15 person, in fact, have the access to the information or  
02:23:58 16 technology that you're interested in.

02:24:00 17 And then, secondly, you want to know what makes this  
02:24:02 18 person tick: Does this person have some kind of sympathy  
02:24:07 19 for Russia -- for China? Does this person have some kind of  
02:24:11 20 vulnerability? Does this person have relatives in China?  
02:24:15 21 Is there something about this person that might make him or  
02:24:17 22 her susceptible? Is this person willing to cut corners?

02:24:23 23 So you're sizing that person up for the expectation  
02:24:26 24 that you'd eventually be able to move down the recruitment  
02:24:29 25 cycle.

02:24:29 1 Q. All right. As you move through this process -- and I  
02:24:34 2 imagine this process may have different speeds for different  
02:24:38 3 people; is that fair?

02:24:38 4 A. Yes. Yes, it's variable.

02:24:45 5 Q. Walk us through the next phases of developing and  
02:24:48 6 pitching.

02:24:48 7 A. Once you assess someone positively, you enter into what  
02:24:52 8 we call developing. And that's where you try to establish a  
02:24:54 9 personal relationship with this person. You try to befriend  
02:24:59 10 this person. You wine and dine this person. You hold out  
02:25:02 11 the possibility of a lucrative relationship. You are trying  
02:25:07 12 to urge that person in your direction. And so you probably  
02:25:11 13 will try to introduce some clandestinity in the  
02:25:15 14 relationship. You will gradually test the waters by pushing  
02:25:18 15 harder and harder for information and technology to see if  
02:25:22 16 this person's willing to move in your direction or not.

02:25:26 17 Q. All right. And then as it moves into pitching, is  
02:25:31 18 that -- walk us through what you mean by pitching.

02:25:34 19 A. Pitching is when you actually solicit the cooperation  
02:25:39 20 of this person to provide the information or the technology  
02:25:44 21 that you're after.

02:25:45 22 Q. All right.

02:25:45 23 A. And you generally will present that in terms of some  
02:25:49 24 kind of a joint relationship, a cooperation, a  
02:25:54 25 collaboration.



02:25:55 1 Q. All right. And in this pitching process, I imagine --  
02:26:02 2 well, are there circumstances where the person on the other  
02:26:06 3 side knows that they are dealing with an intelligence officer  
02:26:13 4 and some instances where they don't know they are dealing with  
02:26:16 5 an intelligence officer?

02:26:17 6 A. Yes, it goes both ways. Sometimes you, in effect,  
02:26:20 7 break cover and announce that you are working for an  
02:26:23 8 intelligence service and you're recruiting this person as a  
02:26:28 9 formal spy. But if you're getting what you want already,  
02:26:32 10 you may not need to break cover, and you just kind of  
02:26:38 11 continue the pretext of the cover relationship.

02:26:40 12 The important thing is that you're getting the  
02:26:42 13 information, the technology that you were after in the first  
02:26:45 14 place.

02:26:46 15 Q. All right. And then the next few steps are formalizing,  
02:26:51 16 producing, and termination.

02:26:53 17 A. Yes.

02:26:53 18 Q. Walk us through what you mean by those terms.

02:26:56 19 A. Well, once you have the cooperation of this individual,  
02:26:58 20 and you want to formalize the relationship, and so you begin  
02:27:02 21 to build a file on that person. You try to compromise that  
02:27:08 22 person, usually with money. You want to really kind of sink  
02:27:12 23 the hook, we call it, making certain that you do have a  
02:27:16 24 person who is working on your behalf.

02:27:20 25 In our system, we might conduct a polygraph

02:27:25 1 examination. We might ask this person to sign an official  
02:27:29 2 agreement with us. Not always, and that's not always  
02:27:33 3 appropriate, but we all do that in our business.

02:27:36 4 Q. All right. And then once you have that person more or  
02:27:44 5 less working on your side --

02:27:46 6 A. Yes.

02:27:46 7 Q. -- are there tasks that you might give the person?

02:27:48 8 A. Yes, yes. You give them tasking. You give them  
02:27:53 9 objectives to accomplish. And once they start doing that,  
02:27:58 10 once they are passing information to you, we've moved into  
02:28:00 11 the producing phase of the operation.

02:28:02 12 And this is really the purpose of everything. You're  
02:28:05 13 getting the intelligence and the technology that you sought  
02:28:08 14 after from the beginning. So this is the payment. This is  
02:28:13 15 what you are getting for your country, intelligence or  
02:28:16 16 technology that is going to be valuable to your country.  
02:28:19 17 That's why we spy, to reach the producing phase.

02:28:22 18 Q. All right. And then I imagine termination, these things  
02:28:28 19 end sometimes?

02:28:29 20 A. Sure. All good things come to an end. Maybe the  
02:28:31 21 person no longer has access, maybe you've recruited someone  
02:28:36 22 who has better access and you no longer need this person.  
02:28:39 23 Maybe this person has started to whine to you, fabricating.  
02:28:44 24 Maybe the person is not reliable. Maybe the person is  
02:28:47 25 getting cold feet. Maybe the person is under suspicion and

OLSON - DIRECT (Mangan)

131

02:28:51 1 you terminate the person to protect that person from

02:28:54 2 discovery by the local counterintelligence forces.

02:28:58 3 A lot of reasons why that relationship can come to an

02:29:01 4 end.

02:29:02 5 Q. Okay. So let me ask you, are you familiar with something

02:29:10 6 called "exchange programs" in China to recruit foreign

02:29:15 7 technology experts?

02:29:15 8 A. Yes.

02:29:16 9 Q. All right. And does the MSS get involved in these

02:29:21 10 exchanges?

02:29:21 11 A. Yes.

02:29:22 12 Q. All right. Can you explain how the MSS uses those

02:29:25 13 exchanges?

02:29:25 14 A. Well, there are a lot of exchange programs. The

02:29:29 15 Thousand Talents Program I think is the most prominent,

02:29:33 16 where the MSS works toward identifying people, in the United

02:29:40 17 States primarily, who have access to cutting-edge research.

02:29:44 18 It can be in any area that is going to be valuable to China.

02:29:48 19 It could be in industry. It could be in high tech. It

02:29:52 20 could be in agriculture. It could be in medicine. Anything

02:29:54 21 that's going to be of value to China.

02:29:57 22 And they find experts in those fields, perhaps on a

02:30:01 23 college campus, and they establish a relationship with them.

02:30:05 24 They cast it as a normal scientific or technical exchange,

02:30:15 25 cultural exchange, something that sounds innocent. But

OLSON - DIRECT (Mangan)

132

02:30:18 1 their purpose is to gradually induce that person to go  
02:30:22 2 farther and farther and provide research and information  
02:30:27 3 that goes beyond what they would be authorized to do.

02:30:31 4 **Q.** This recruitment cycle, how long could this take, you  
02:30:37 5 know, on the long end?

02:30:39 6 **A.** It can take a long time. Sometimes it just falls into  
02:30:45 7 your hands. People are willing to cooperate with you  
02:30:48 8 because of varying reasons. Maybe because they are  
02:30:52 9 sympathetic to your country. Maybe because they are just so  
02:30:57 10 venal, so money hungry, that once you put money on the table  
02:31:02 11 it's game over. Sometimes it requires more sophisticated  
02:31:09 12 developing of a person to get the person to the point of  
02:31:11 13 being willing to provide you with sensitive information of  
02:31:16 14 sorts.

02:31:17 15 I've done cases where it was a matter of a couple  
02:31:20 16 weeks. I've done cases where it's been -- I've done cases  
02:31:25 17 where it's been a matter of a couple years.

02:31:27 18 **Q.** All right. And as the case officer goes through this  
02:31:30 19 recruitment cycle with the agent -- correct? Am I using the  
02:31:36 20 terms right?

02:31:37 21 **A.** Yes, you are. Good job.

02:31:39 22 **Q.** As the case officer goes through this process with the  
02:31:42 23 agent and they have those communications, is there also a risk  
02:31:48 24 for the case officer that they have to, you know, stay aware  
02:31:52 25 of?

02:31:52 1 A. This is a high-risk profession. Intelligence is not  
02:31:56 2 risk free. Those of us who enter this profession know that  
02:31:59 3 we are going to encounter risks.

02:32:03 4 And the risks really come in two forms. There are  
02:32:06 5 basically two categories of case officers. You have case  
02:32:10 6 officers who are under diplomatic cover. They are operating  
02:32:15 7 out of a U.S. embassy or a consulate, for example. They are  
02:32:20 8 credited officially to the United States government as  
02:32:23 9 diplomats. So they have diplomatic status, and they have  
02:32:29 10 diplomatic immunity, and that means that if they get caught  
02:32:34 11 spying, the worst that's going to happen to them is going to  
02:32:38 12 be they are going to be declared persona non grata. They  
02:32:43 13 are going to be expelled from the country. That's not good,  
02:32:46 14 but it's not imprisonment.

02:32:48 15 Now, if you don't have diplomatic immunity, then it's  
02:32:51 16 all different. Because if you get caught spying without  
02:32:54 17 diplomatic immunity, you can go to -- you are subject to  
02:32:56 18 arrest and imprisonment.

02:32:58 19 Q. So the first category, you said they are under diplomatic  
02:33:03 20 cover?

02:33:03 21 A. Yes.

02:33:03 22 Q. The second category, when they do not have diplomatic  
02:33:06 23 cover, is there a term for that?

02:33:08 24 A. We call that nonofficial cover. Other countries call  
02:33:14 25 it other things, but it all boils down to the same thing.

02:33:18 1 If you do not have diplomatic cover, your cover's going to  
02:33:23 2 be as a business person or as a member of an institute or a  
02:33:29 3 member of an association. It could be anything that gives  
02:33:33 4 you status for being in that country and to be operating as  
02:33:36 5 a spy.

02:33:37 6 Q. So when you say "nonofficial cover," the initials for  
02:33:41 7 that, NOC?

02:33:42 8 A. Yes, NOC.

02:33:43 9 Q. That's where that term comes from?

02:33:45 10 A. NOC, nonofficial cover. It means that you are posing  
02:33:49 11 as something other than a diplomat. You do not have  
02:33:52 12 diplomatic immunity.

02:33:54 13 Q. Okay.

02:33:55 14 A. When you go into a position without diplomatic  
02:33:59 15 immunity, you know what the risks are, and they are quite  
02:34:01 16 severe.

02:34:02 17 Q. So let's get back to sort of how the MSS operates. From  
02:34:07 18 a risk standpoint, is there an advantage to them in recruiting  
02:34:12 19 people to come to China?

02:34:13 20 A. Oh, very definitely. They are much more comfortable  
02:34:18 21 working on their own turf, in the safety of China.

02:34:22 22 Q. And does that reduce the risk of arrest?

02:34:24 23 A. Oh, absolutely, absolutely. They're not going to be  
02:34:28 24 arrested in China.

02:34:29 25 Q. Is the MSS careful about exposing any officers in the

OLSON - DIRECT (Mangan)

135

02:34:34 1 U.S.?

02:34:34 2 **A.** Absolutely. When they operate in the United States,  
02:34:39 3 they operate very aggressively here. They, of course, have  
02:34:43 4 a large cadre of people who are here under diplomatic cover.  
02:34:49 5 So that's one thing.

02:34:50 6 But they are very wary of operating in the United  
02:34:54 7 States without diplomatic immunity because they know what  
02:34:58 8 the risk is. They are afraid of the FBI, quite frankly, and  
02:35:02 9 they don't want to have their people get caught in the  
02:35:04 10 United States and be arrested and prosecuted.

02:35:07 11 **Q.** All right. Let me turn to a slightly different topic.

02:35:12 12 In the recruitment cycle, I think we talked about covers.  
02:35:18 13 Are aliases used by intelligence officers?

02:35:21 14 **A.** All the time. Yeah, we all use aliases.

02:35:24 15 **Q.** Okay. Do you have multiple aliases?

02:35:26 16 **A.** Yes.

02:35:27 17 **Q.** Is that something you used?

02:35:28 18 **A.** Yes.

02:35:29 19 **Q.** And are you familiar if MSS operates the same way?

02:35:36 20 **A.** Absolutely, yes. Yes, their officers use aliases  
02:35:40 21 routinely.

02:35:41 22 **Q.** Okay. Let me ask you about -- have you heard the term a  
02:35:44 23 "front company" or a "cover company"?

02:35:45 24 **A.** Yes.

02:35:46 25 **Q.** Can you explain what that means for the officer?

OLSON - DIRECT (Mangan)

136

02:35:49 1 A. Intelligence services sometimes set up companies. Some  
02:35:54 2 of them actually have legitimate functions, but in some  
02:35:59 3 cases they are completely bogus, only for the purpose of  
02:36:02 4 providing cover for their personnel.

02:36:04 5 They set up these companies to conceal the fact that  
02:36:07 6 they are actually operating on behalf of the intelligence  
02:36:10 7 services of that company. That provides cover for  
02:36:15 8 intelligence officers to operate.

02:36:16 9 Q. So is that company affiliation used in conjunction with  
02:36:21 10 the alias?

02:36:21 11 A. Yes, yes. You would most likely as part of your alias  
02:36:26 12 have a cover that conceals your identity and your  
02:36:35 13 intelligence affiliation.

02:36:36 14 Q. All right. Does that give the alias some kind of  
02:36:39 15 employment or background?

02:36:40 16 A. Yes. You would have ostensible duties in that cover  
02:36:46 17 company. You would have a title. You'd probably have a  
02:36:48 18 business card. You would represent yourself as an employee  
02:36:51 19 of that cover.

02:36:53 20 And the cover company's usually are innocent sounding.  
02:36:57 21 They sound legitimate. They are not in any way identifiable  
02:37:02 22 as a front company for intelligence.

02:37:05 23 Q. I'd like to ask you about science and technology  
02:37:11 24 associations in China.

02:37:12 25 A. Yes.



OLSON - DIRECT (Mangan)

137

02:37:13 1 Q. Are you familiar with those?

02:37:14 2 A. Yes, I am.

02:37:14 3 Q. All right. And are they at times used by the MSS in  
02:37:19 4 their operations?

02:37:20 5 A. Frequently.

02:37:21 6 Q. Can you explain how they're used?

02:37:24 7 A. They use these technical associations, these scientific  
02:37:28 8 associations, these industrial associations to make  
02:37:32 9 themselves appear legitimate. It's good cover because you  
02:37:35 10 sound as if you are doing something that is innocent, that  
02:37:40 11 is in no way affected with or connected with intelligence.

02:37:43 12 So, yes, they use associations, think tank institute,  
02:37:50 13 university covers routinely in China.

02:37:52 14 Q. You just mentioned academic, I think. Do they sometimes  
02:37:56 15 use university or academic covers as well?

02:37:58 16 A. Yes.

02:37:59 17 Q. Okay. And they use them in a similar manner as the  
02:38:04 18 science and technology associations?

02:38:07 19 A. Yes, sir.

02:38:08 20 Q. Okay. Now, let me ask you, when we talk about this  
02:38:13 21 recruitment cycle and the initial invitation to an agent or  
02:38:18 22 potential agent, does the MSS sometimes use another person or  
02:38:22 23 a proxy to do the initial invite?

02:38:25 24 A. That's quite common. In fact, the front person may be  
02:38:30 25 somebody who is prestigious, maybe legitimate but is

OLSON - DIRECT (Mangan)

138

02:38:36 1 cooperating with the intelligence services. So it's quite  
02:38:38 2 often another individual who makes the initial contact and  
02:38:44 3 probably will issue the invitation to come to China.

02:38:47 4 **Q.** From your perspective as a case officer, what's the  
02:38:50 5 advantage of using that proxy or that front person?

02:38:54 6 **A.** It adds a little bit of prestige, a little bit of  
02:38:58 7 luster, a little bit of legitimacy to the process if you  
02:39:03 8 have someone who is a known, distinguished person in that  
02:39:06 9 field to reach out to you with an invitation. You're  
02:39:11 10 flattered by it.

02:39:13 11 **Q.** All right. Let's talk about those exchange trips where,  
02:39:17 12 you know, let's say an employee from a U.S. technology company  
02:39:21 13 is invited over for an exchange.

02:39:23 14 **A.** Yes.

02:39:24 15 **Q.** Are those typically paid for by China?

02:39:26 16 **A.** Yes.

02:39:27 17 **Q.** All right. And does the MSS get involved in that  
02:39:30 18 funding?

02:39:30 19 **A.** The MSS pays. They provide the funding for that.  
02:39:34 20 That's part of the mechanism that they're using to bring  
02:39:38 21 these candidates to the -- to China.

02:39:43 22 **Q.** When that individual -- let's say the U.S. employee goes  
02:39:48 23 over for one of these exchanges. Is there a risk for them if  
02:39:53 24 they bring over their laptop or personal cell phone?

02:39:56 25 **A.** Oh, there could be, definitely, because it's well-known

02:40:01 1 that the Chinese will tamper with -- with computers brought  
02:40:04 2 by visitors if they can get access to them.

02:40:08 3 **Q.** And if China does get access to them, what ministries in  
02:40:13 4 China might be involved in that activity?

02:40:16 5 **A.** That's an MSS operation.

02:40:19 6 **Q.** In terms of talking about these potential agents or  
02:40:23 7 sources, I wonder if you could explain the process from the  
02:40:31 8 standpoint of, do you have to be subtle at the beginning?

02:40:34 9 **A.** Yes, you -- you are kind of keeping up the pretense of  
02:40:42 10 a legitimate purpose, and so you are making it sound as  
02:40:49 11 though it is a normal exchange. It is something that is not  
02:40:53 12 out of the ordinary, that you are not asking them to do  
02:40:55 13 anything inappropriate.

02:40:56 14 But while you are there, then you really get into the  
02:40:59 15 assessment process in earnest to see if this person will  
02:41:02 16 move a little bit farther.

02:41:03 17 And that's their objective, of course, to lure these  
02:41:06 18 people into a more extensive relationship, to give up more  
02:41:09 19 and more.

02:41:10 20 **Q.** Over time, does the officer, case officer elevate the  
02:41:16 21 sensitivity of the information it sought?

02:41:19 22 **A.** Absolutely. They push. They become increasingly  
02:41:23 23 aggressive, more specific in what they're looking for.

02:41:26 24 **Q.** And is it -- is that one of the difficult judgment calls  
02:41:30 25 as to how quickly to escalate?

OLSON - DIRECT (Mangan)

140

02:41:32 1 A. Yes.

02:41:32 2 Q. In talking about this recruitment cycle, you mention the

02:41:39 3 producing part of it.

02:41:41 4 A. Yes.

02:41:41 5 Q. Is that when you already have an agent or an asset in

02:41:45 6 place somewhere?

02:41:46 7 A. Yes. And that person's providing you with information

02:41:52 8 or technology or whatever the objective is.

02:41:54 9 Q. So if you have an asset within a -- let's say MSS has an

02:41:59 10 asset within a technology company. Do they want to be

02:42:05 11 selective in which tasks they give that person?

02:42:07 12 A. Yes. Yes, you want to be specific to that person's

02:42:10 13 access. You want to learn what that person's working on,

02:42:15 14 what his or her research area is, what the access is to

02:42:21 15 important information, what kind of computer access they

02:42:23 16 have. You learn all those things, and then you tailor the

02:42:26 17 tasking accordingly.

02:42:28 18 Q. Did you review the communication summary related to the

02:42:33 19 planting of malware on a French employee's --

02:42:37 20 A. Yes, I did.

02:42:38 21 Q. From your assessment, would that involve the tasking of

02:42:41 22 an in-place agent?

02:42:42 23 A. Yes. It was quite clear what was going on there. It

02:42:46 24 was an MSS operation using Chinese national employees in

02:42:51 25 that French company to plant a device, malware, into the

02:42:57 1 computer of a visiting French engineer.

02:43:04 2 Q. Would that fall under the category of producing?

02:43:07 3 A. Yes.

02:43:07 4 Q. All right. And would you consider that a humint  
02:43:14 5 operation?

02:43:14 6 A. It would be a humint operation if the ultimate  
02:43:20 7 objective were to recruit the French engineer, but it would  
02:43:22 8 be more of a technical operation.

02:43:25 9 Q. All right. But the agents that you're using inside the  
02:43:30 10 company, would they be considered humint agents?

02:43:32 11 A. Yes, yes. The people you have inside the company would  
02:43:36 12 be humint sources.

02:43:38 13 Q. Okay.

02:43:43 14 MR. MANGAN: Are we at a -- this is a logical  
02:43:46 15 breaking point, Your Honor.

02:43:48 16 THE COURT: Yes.

02:43:48 17 MR. MANGAN: This might be a good point.

02:43:50 18 THE COURT: Very well. We are going to take our  
02:43:52 19 midafternoon break. We will break for 20 minutes, up until 3.

02:43:56 20 During the break, take the break. Breathe deeply. Don't  
02:44:00 21 discuss the case among yourselves or with anyone else.

02:44:03 22 Continue to keep an open mind. No independent research.

02:44:07 23 Out of respect for you, we'll rise as you leave for a  
02:44:10 24 20-minute break.

02:44:11 25 THE COURTROOM DEPUTY: All rise for the jury.

02:44:13 1 (Jury out at 2:37 p.m.)

02:44:47 2 THE COURT: The jury's left the room. We're going

02:44:49 3 to break for 20 minutes. Anything require my attention before

02:44:52 4 we start that break from the government?

02:44:53 5 MR. MANGAN: No, Your Honor.

02:44:54 6 THE COURT: From the defense?

02:44:55 7 MR. McBRIDE: No, Your Honor.

02:44:56 8 THE COURT: The government will take care of the

02:44:58 9 witness and admonish.

02:44:59 10 We are in recess until that time.

02:45:01 11 THE COURTROOM DEPUTY: The court is now in recess.

02:45:04 12 (Recess from 2:37 p.m. until 3:07 p.m.)

03:07:19 13 THE COURT: Back in the courtroom. Is the

03:07:20 14 government ready to proceed?

03:07:22 15 MR. MANGAN: Yes, Your Honor.

03:07:23 16 THE COURT: The defense as well?

03:07:24 17 MR. McBRIDE: Yes, sir.

03:07:25 18 THE COURT: Let's call for the jury, please.

03:07:47 19 The witness can take his mask off if he wants to. He

03:07:51 20 doesn't have to.

03:07:52 21 THE WITNESS: Thank you, Your Honor.

03:08:44 22 THE COURTROOM DEPUTY: All rise for the jury.

03:08:45 23 (Jury in at 3:01 p.m.)

03:09:14 24 THE COURT: You may all be seated.

03:09:17 25 The jury has rejoined us after break. One more time,

03:09:22 1 thank you for your continuing attention and hard work.

03:09:25 2 We'll continue with this witness who remains under oath.

03:09:29 3 Mr. Mangan, you may proceed when you're read.

03:09:33 4 MR. MANGAN: Thank you, Your Honor.

03:09:34 5 If we could put Exhibit 100 back up on the screen.

03:09:34 6 BY MR. MANGAN:

03:09:39 7 Q. Mr. Olson, in terms of going back to this recruitment  
03:09:43 8 cycle, we talked a little bit about the exchanges that are  
03:09:45 9 done in China with technical experts. Do you recall that?

03:09:48 10 A. Yes.

03:09:49 11 Q. And in walking through kind of how -- could we walk  
03:09:54 12 through how that fits the recruitment cycle? So when an  
03:09:57 13 individual is invited over for a presentation, what phase  
03:10:01 14 would you consider that to be?

03:10:02 15 A. I would phase that as the beginning of assessment.

03:10:06 16 Q. All right. And so when they are listening to the  
03:10:10 17 presentation, is that necessarily to get the ultimate  
03:10:16 18 production at that point or is it more a matter of starting  
03:10:19 19 the -- starting this process?

03:10:22 20 THE COURT: Is there an objection?

03:10:24 21 MR. McBRIDE: Lack of foundation, Your Honor.

03:10:26 22 THE COURT: Sustained as to form.

03:10:29 23 BY MR. MANGAN:

03:10:32 24 Q. If you could -- we were talking about when folks get  
03:10:36 25 invited over for these presentations. You mention that that

03:10:43 1 might be the assessing part of the assessing step?

03:10:45 2 A. Yes, that's part of the assessment.

03:10:47 3 Q. Okay. Is there usually a payment related to those?

03:10:54 4 A. Yes.

03:10:54 5 Q. Okay. And how does that factor into the cycle?

03:10:57 6 A. That's still the assessment and beginning of the  
03:11:01 7 development phase.

03:11:02 8 Q. All right. And then what other steps are taken in  
03:11:08 9 relation to those exchanges towards developing that particular  
03:11:11 10 agent?

03:11:11 11 A. Well, invitation is a pretext to get that person on to  
03:11:18 12 Chinese soil. And while that person is there, they're being  
03:11:22 13 sized up. They're confirming that they have the technology,  
03:11:25 14 the information that they are looking for. They are looking  
03:11:29 15 for the personality characteristics, the affinity to China,  
03:11:36 16 if any, the existence of relatives in communist China. They  
03:11:43 17 are wining and dining them. They are playing to their ego.  
03:11:46 18 They are flattering them. They are holding out the  
03:11:49 19 opportunity for a continuing positive relationship. And  
03:11:55 20 they are just looking for any indication that this person is  
03:11:59 21 a good follow-on target.

03:12:03 22 MR. MANGAN: All right. We can take that down.

03:12:03 23 BY MR. MANGAN:

03:12:05 24 Q. Mr. Olson, did you review communications between Xu  
03:12:11 25 Yanjun and a GE employee leading up to the arrest in April of



03:12:14 1 2018?

03:12:15 2 A. Yes, I did.

03:12:16 3 Q. And did you evaluate those communications in light of  
03:12:18 4 your experience as an intelligence officer?

03:12:21 5 A. Yes, I analyzed it very carefully.

03:12:27 6 Q. Did you notice any aspects of the recruitment cycle in  
03:12:30 7 that sequence?

03:12:31 8 A. Yes. By that stage they were far into development. He  
03:12:35 9 was pushing for more and more sensitive technology. He was  
03:12:40 10 building rapport.

03:12:41 11 Q. Let me go back to the beginning. Did you see --

03:12:47 12 Let's talk about the initial invitation through LinkedIn.  
03:12:51 13 Where would that fit in the recruitment cycle?

03:12:53 14 A. That would be the end of the spotting process. Once  
03:12:57 15 they saw his LinkedIn posting, that constituted spotting of  
03:13:02 16 someone who potentially had good access that fit their  
03:13:05 17 requirements. And then they would pursue it to try to get  
03:13:09 18 that person to China for assessment and development.

03:13:14 19 Q. How about the use of the university person named Chen  
03:13:19 20 Feng to extend the invitation?

03:13:21 21 A. That was quite typical of a Chinese intelligence  
03:13:25 22 operation. They would use someone like Chen Feng as kind of  
03:13:30 23 a front. He was a distinguished, knowledgeable person in  
03:13:35 24 the aviation industry in China. I'm sure that the defendant  
03:13:39 25 was flattered that someone of that level would take an

03:13:44 1 interest in him and would invite him to China.

03:13:47 2 But the longer-term purpose was, of course, to turn him  
03:13:52 3 over, turn the GE engineer over to an intelligence officer.

03:13:58 4 MR. MANGAN: If we could show Exhibit 63b, which has  
03:14:03 5 been previously admitted, Your Honor.

03:14:04 6 THE COURT: Yes. You can show it to everyone.

03:14:08 7 BY MR. MANGAN:

03:14:10 8 Q. With respect to this business card, did you see this  
03:14:12 9 previously, Mr. Olson?

03:14:13 10 A. Yes, I saw that.

03:14:14 11 Q. All right. I think previously we talked about the  
03:14:20 12 science and technology associations?

03:14:22 13 A. Yes.

03:14:22 14 Q. How would this be consistent with the use of aliases or  
03:14:28 15 cover companies?

03:14:28 16 A. It's very consistent with the cover used by an  
03:14:32 17 intelligence officer. It sounds prestigious. It gives him  
03:14:36 18 reason to be pursuing someone in the aviation industry.

03:14:42 19 Q. All right. In the follow-on communications, there were  
03:14:45 20 emails and there were WeChats using a couple different  
03:14:49 21 handles.

03:14:50 22 A. Yes.

03:14:50 23 Q. What significance, if any, did you attribute to those  
03:14:53 24 modes of communication?

03:14:54 25 A. They were very characteristic of an intelligence

operation. Intelligence officer will use email, phone

calls, messaging services like WeChat routinely in their

communications with their -- their target.

**Q.** All right. After the initial visit, what would be the typical step in terms of a subsequent visit or what the goals are for the case officer?

**A.** If the pretext visit, the invitation for the lecture, for the consulting is encouraging --

MR. McBRIDE: Your Honor?

THE COURT: Yes.

MR. McBRIDE: Objection. This is really getting into speculation.

THE COURT: It's overruled. Subject to cross.

You may reask the question, or he can answer it if he remembers it.

BY MR. MANGAN:

**Q.** Are you able to continue with your answer?

**A.** I can continue.

If the results of that pretext visit are encouraging and they think that they have potential for someone with access to maintain a relationship with, they will follow up. And the follow-up will be done by email, by phone calls, or by WeChat.

MR. MANGAN: All right. If we could take this exhibit down. I'd like to show Exhibit 69. If we could start

03:16:15 1 with the email on page 2.

03:16:17 2 This has previously been admitted, Your Honor.

03:16:19 3 THE COURT: And you wish to publish it?

03:16:21 4 MR. MANGAN: Yes, Your Honor.

03:16:21 5 THE COURT: Okay. Everybody can see it.

03:16:27 6 BY MR. MANGAN:

03:16:28 7 Q. All right. If we take a look at the bottom there, can  
03:16:31 8 you see it, Mr. Olson?

03:16:31 9 A. Yes, I can.

03:16:32 10 Q. All right. And with respect to this particular email,  
03:16:38 11 let me turn to the second sentence. And I'll read it. "Since  
03:16:43 12 I am not the expert in this field, I want you to spend some  
03:16:46 13 time to dialog with the experts in China for a more precise  
03:16:50 14 connection.

03:16:51 15 Based on your experience as a case officer, what do  
03:16:56 16 you -- how do you understand that?

03:16:59 17 A. Well, that is an important step in the recruitment  
03:17:03 18 cycle. They want to sit this person down with true experts  
03:17:08 19 in the field who can ask more direct questions, who can get  
03:17:12 20 to the heart of the access that this person has, and to  
03:17:16 21 continue a technical and personal assessment of the  
03:17:19 22 individual.

03:17:21 23 Q. From an espionage tradecraft perspective, how are these  
03:17:26 24 experts used by the case officer?

03:17:28 25 A. They are --

03:17:30 1 MR. McBRIDE: Objection.

03:17:31 2 THE COURT: Basis?

03:17:32 3 MR. McBRIDE: Your Honor, again, we're getting to  
03:17:34 4 speculation, Your Honor.

03:17:35 5 THE COURT: Overruled.

03:17:38 6 THE WITNESS: They are an integral part of the  
03:17:40 7 process. The Chinese intelligence services rely heavily on  
03:17:45 8 experts in the different technologies as their collaborators  
03:17:50 9 in this -- in this operation.

03:17:52 10 BY MR. MANGAN:

03:17:55 11 Q. We talked previously about trying -- for a case officer  
03:17:59 12 to try to determine requirements.

03:18:01 13 A. Yes.

03:18:01 14 Q. Right? Would this be consistent with what you explained  
03:18:06 15 earlier?

03:18:06 16 A. Yes, it's very consistent. The Chinese MSS system  
03:18:11 17 requires the interaction with the aviation industry people,  
03:18:15 18 for example, to provide them with the requirements for what  
03:18:21 19 it is exactly they are looking for in the way of advanced  
03:18:25 20 U.S. technology.

03:18:26 21 Q. If we look to the last sentence on that page, where it  
03:18:30 22 says, "Also, attached file is some domestic requirements that  
03:18:35 23 I know of. Can you take a look and let me know if you're  
03:18:39 24 familiar with those?"

03:18:40 25 A. Yes.

03:18:41 1 Q. And what was your understanding from reading that  
03:18:43 2 sentence?

03:18:43 3 A. My understanding was this is intelligence officer's  
03:18:49 4 pressing, who is pushing for additional cooperation, wants  
03:18:53 5 to see how the target will respond to that request.

03:18:58 6 MR. MANGAN: If I could turn to page 4, which is the  
03:19:09 7 attachment that was discussed in the previous email.

03:19:13 8 BY MR. MANGAN:

03:19:13 9 Q. In looking at the top there, Mr. Olson, do you see the  
03:19:17 10 top sentence where it says, "Regarding the current development  
03:19:20 11 situation and future development direction of foreign  
03:19:24 12 countries' structural materials for fan rotor blades made from  
03:19:30 13 composite materials."

03:19:33 14 Did you see any significance in the use of that phrase  
03:19:35 15 "foreign countries"?

03:19:37 16 A. Yes. It meant that the objective was to obtain this  
03:19:42 17 technology from foreign countries.

03:19:44 18 Q. All right. How consistent is this kind of list with the  
03:19:50 19 type of requirements that you were discussing earlier that a  
03:19:54 20 case officer might typically be pursuing?

03:19:57 21 MR. McBRIDE: Objection, Your Honor.

03:19:59 22 THE COURT: Excuse me. Objection.

03:20:02 23 MR. McBRIDE: This gentleman's not an expert on  
03:20:04 24 aviation, Your Honor.

03:20:05 25 THE COURT: This is his opinion based on his

OLSON - DIRECT (Mangan)

151

03:20:06 1 experience. The objection is overruled.

03:20:11 2 BY MR. MANGAN:

03:20:11 3 Q. Mr. Olson, how is -- is this consistent with the type of  
03:20:16 4 requirements you were testifying about earlier?

03:20:18 5 A. Yes, it's consistent with what I believe an  
03:20:21 6 intelligence service would have in the form of requirements.

03:20:29 7 Q. All right. And we talked earlier about the importance of  
03:20:31 8 those requirements to the case officer's mission, correct?

03:20:33 9 A. Yes.

03:20:34 10 Q. Can you again explain to the jury how those requirements  
03:20:38 11 fit into the steps that an officer takes?

03:20:41 12 A. Yes. An intelligence officer's working from these  
03:20:45 13 requirements, and they guide all of his or her actions to  
03:20:50 14 make certain that the espionage operations under way here is  
03:20:55 15 responsive to what the country needs. And so for that  
03:20:59 16 purpose you are paying close attention to the requirements  
03:21:03 17 and you are issuing these requirements to the target to see  
03:21:08 18 how that target will respond.

03:21:13 19 Q. All right.

03:21:15 20 MR. MANGAN: If we could take that exhibit down.

03:21:17 21 Your Honor, I'd like to publish Exhibit 70, please, which  
03:21:21 22 has previously been admitted.

03:21:22 23 THE COURT: Yes, we'll publish it to all. Perhaps.  
03:21:41 24 There it is.

03:21:42 25 MR. MANGAN: If we could turn to the second page.

03:21:42 1 BY MR. MANGAN:

03:21:53 2 Q. Mr. Olson, do you recall seeing emails where there was a  
03:21:56 3 request for a directory of a computer?

03:21:58 4 A. Yes, I remember that.

03:22:00 5 Q. All right. And from your perspective as an experienced  
03:22:05 6 case officer, what was your assessment of that request for a  
03:22:09 7 computer directory?

03:22:10 8 A. My assessment was --

03:22:12 9 MR. McBRIDE: Objection. Lack of foundation, Your  
03:22:14 10 Honor.

03:22:14 11 THE COURT: Overruled. His testimony's been the  
03:22:17 12 foundation.

03:22:17 13 You may answer.

03:22:19 14 THE WITNESS: My assessment was this was a further  
03:22:23 15 step in the process of determining how cooperative this  
03:22:27 16 person's going to be, asking for a directory of something that  
03:22:31 17 would be highly desirable for an intelligence service to find  
03:22:35 18 out what files are existing in that company. And if he  
03:22:41 19 complies with that, which he did, that was a very positive  
03:22:44 20 indication that you are getting cooperation.

03:22:46 21 BY MR. MANGAN:

03:22:47 22 Q. All right. So if the directory is sent back to the case  
03:22:51 23 officer, is this still -- are we still in the assessing phase  
03:22:58 24 at that point?

03:22:59 25 A. Yes, you're still assessing but you are also trying to



## OLSON - DIRECT (Mangan)

153

03:23:03 1 strengthen the relationship and determine how cooperative  
03:23:06 2 this person's going to be. So that is already into the  
03:23:09 3 development phase as well.

03:23:13 4 MR. MANGAN: All right. If we could turn to -- if I  
03:23:15 5 could publish Exhibit 67c, Your Honor, which was previously  
03:23:20 6 admitted.

03:23:21 7 THE COURT: Yes.

03:23:22 8 MR. MANGAN: I'd like to turn to page 20.

03:23:21 9 BY MR. MANGAN:

03:23:27 10 Q. Mr. Olson, did you read these WeChat communications that  
03:23:30 11 went back and forth?

03:23:36 12 You can go further down.

03:23:43 13 A. Yes, I saw that.

03:23:45 14 Q. All right. So these communications are the first  
03:23:53 15 communications after that directory was sent back?

03:23:55 16 A. Yes.

03:23:56 17 Q. From the case officer?

03:23:57 18 A. Yes.

03:23:57 19 Q. So from your perspective, what do these communications  
03:24:03 20 indicate to you?

03:24:03 21 A. Indicates to me that the MSS is encouraged by what's  
03:24:11 22 going on. They want to pursue it. They want to see how far  
03:24:15 23 this person will go. They want to have a further meeting, a  
03:24:19 24 personal meeting.

03:24:24 25 As an intelligence officer, I actually chuckled as the

03:24:27 1 last statement, "The U.S. is not in my plan." That, of  
03:24:31 2 course, is consistent with my knowledge that the MSS does  
03:24:35 3 not like to operate inside the United States without  
03:24:38 4 diplomatic immunity.

03:24:39 5 Q. We talked earlier about the preference to invite  
03:24:43 6 individuals to China and operate on their own home turf,  
03:24:47 7 correct?

03:24:47 8 A. Yes.

03:24:47 9 Q. In this, there is an indication about meeting in a  
03:24:52 10 foreign country?

03:24:53 11 A. Yes.

03:24:53 12 Q. Does that indicate to you a change in this relationship  
03:24:58 13 or at least a willing to take a different risk?

03:25:01 14 A. It's a definite advancement in the relationship. The  
03:25:05 15 fact that they were willing to meet in another country  
03:25:09 16 indicates that they had reason to believe that this was  
03:25:11 17 going very, very well.

03:25:14 18 Q. I assume most of your career you were operating in a  
03:25:20 19 foreign country, correct?

03:25:21 20 A. Yes.

03:25:21 21 Q. All right. If an officer is able to operate within their  
03:25:25 22 own country, is that considerably safer for the officer?

03:25:29 23 A. Oh, absolutely.

03:25:31 24 Q. What type of precautions do you need to take if a case  
03:25:38 25 officer is going to operate in a foreign country?

03:25:40 1 A. Without diplomatic immunity?

03:25:43 2 Q. Yes.

03:25:43 3 A. Extreme precautions. You would plan it very, very  
03:25:47 4 carefully. You would be particular about which location it  
03:25:51 5 was, what the circumstances of the meeting, where the  
03:25:52 6 meeting was to take place, how you would communicate once  
03:25:55 7 you got there. It would be meticulously planned.

03:26:00 8 MR. MANGAN: All right. If we could take this down.  
03:26:02 9 Your Honor, I'd like to publish Exhibit 75b, which was  
03:26:06 10 previously admitted.

03:26:07 11 THE COURT: Yes.

03:26:11 12 BY MR. MANGAN:

03:26:12 13 Q. Mr. Olson, do you recall repeat -- excuse me -- do you  
03:26:16 14 recall reading a transcript of a phone recording with the GE  
03:26:20 15 employee and the defendant?

03:26:40 16 A. Yes, I recall that message.

03:26:41 17 Q. All right. I'll move down in a few minutes to one of the  
03:26:48 18 later pages, but with respect to the discussion about personal  
03:26:55 19 items, such as family matters or worklife, can you explain why  
03:27:04 20 that is significant to a case officer?

03:27:06 21 A. It's standard MO for all of us in the intelligence  
03:27:11 22 business. We want to know as much about this person as we  
03:27:13 23 possibly can. We want to build a file. We want to know  
03:27:18 24 everything we can about that person's family status,  
03:27:21 25 employment, interests, everything we possibly can.

03:27:27 1 It's just part of our business. You never know what's  
03:27:30 2 going to be useful later on. So you do everything you can  
03:27:33 3 to assemble as much personal knowledge as you can about this  
03:27:37 4 person.

03:27:37 5 Q. So when a case officer is talking to a potential agent  
03:27:42 6 and they're talking about how work is going --

03:27:47 7 A. Yes.

03:27:48 8 Q. -- or just family issues or child care, is that different  
03:27:52 9 from chitchat for an everyday person?

03:27:55 10 A. It's different from chitchat because there's a purpose  
03:27:58 11 to it. What the case officer is doing is trying to build  
03:28:01 12 rapport, a personal relationship with this agent, to build  
03:28:05 13 some kind of friendship, some kind of a closeness on a  
03:28:12 14 personal level, which will then facilitate their progress  
03:28:16 15 and the professional side of the relationship.

03:28:19 16 MR. MANGAN: All right. If we could turn to page 7,  
03:28:21 17 please. Towards the bottom half there.

03:28:21 18 BY MR. MANGAN:

03:28:32 19 Q. If you'll see the part starting with Mr. Qu, where it  
03:28:37 20 says, "by the way, because you sent me a document list last  
03:28:40 21 time," and he says, "we took a look. I think that that is  
03:28:44 22 pretty good stuff. I wonder if it is convenient for you to  
03:28:47 23 bring that stuff, this time to Europe, if you can bring that  
03:28:51 24 stuff along."

03:28:52 25 And then the employee responds, "I for sure will bring my

03:28:56 1 computer with me."

03:29:00 2 What is the -- from the standpoint of a case officer in  
03:29:05 3 the recruitment cycle, what is the significance of that kind  
03:29:09 4 of ask?

03:29:10 5 MR. McBRIDE: Your Honor?

03:29:10 6 THE COURT: Yes.

03:29:11 7 MR. McBRIDE: Objection. May we have a sidebar?

03:29:14 8 THE COURT: Yes.

03:29:15 9 (At sidebar.)

03:29:37 10 MR. McBRIDE: Sir, I understand that this man is an  
03:29:40 11 expert and widely educated and very experienced, but I think  
03:29:45 12 his testimony is really getting into the province of the jury  
03:29:48 13 where he looks at some language that's in evidence and makes  
03:29:50 14 an opinion about what this -- what our defendant is doing or  
03:29:54 15 his co-conspirators are doing. That's really a fact for the  
03:29:58 16 jury to determine. So I think it's excludable under 704(b),  
03:30:03 17 Your Honor.

03:30:04 18 MR. MANGAN: Our response, Your Honor, is that we're  
03:30:06 19 dealing with a different kind of case where we're talking  
03:30:09 20 about espionage tradecraft. And this language and these steps  
03:30:15 21 where they are asking for things or telling things have a  
03:30:18 22 significance within the world of espionage, and that's why we  
03:30:21 23 brought on an espionage tradecraft expert, to opine on the  
03:30:27 24 significance.

03:30:28 25 THE COURT: Do you want a last word before I confer

03:30:31 1 with my law clerk?

03:30:33 2 MR. McBRIDE: Yes, sir.

03:30:34 3 THE COURT: Okay.

03:30:34 4 MR. McBRIDE: I understand what the government is  
03:30:36 5 doing and that they are certainly allowed to lay out espionage  
03:30:40 6 techniques and how spies operate. That will all be subject to  
03:30:46 7 cross-examination. However, I think they are going a step too  
03:30:50 8 far where this gentleman is saying this is an indication that  
03:30:52 9 this defendant is doing A, B, and C, or X, Y, and Z. I think  
03:30:58 10 that remains the province of the jury, Your Honor.

03:31:00 11 THE COURT: Very well. If you will give me a  
03:31:03 12 moment.

03:31:07 13 MR. McBRIDE: Yes, sir.

03:31:09 14 (Pause.)

03:31:43 15 THE COURT: I just wanted to check with my law clerk  
03:31:50 16 to confirm my visceral reaction.

03:31:53 17 The objection is overruled. He's not testifying to  
03:31:57 18 ultimate facts. He's laying out his opinion based on his  
03:32:00 19 experience, and I find it acceptable.

03:32:03 20 Your objection is of record and overruled.

03:32:06 21 MR. McBRIDE: Thank you for hearing me, Your Honor.

03:32:08 22 THE COURT: Very well.

03:32:28 23 (In open court.)

03:32:33 24 THE COURT: You may proceed.

03:32:36 25 MR. MANGAN: Yes. If we could bring that exhibit

OLSON - DIRECT (Mangan)

159

03:32:38 1 back up, please.

03:32:36 2 BY MR. MANGAN:

03:32:40 3 Q. Mr. Olson, if you recall, we were talking about this  
03:32:44 4 discussion related to bringing the computer to Europe. Do you  
03:32:47 5 recall that?

03:32:47 6 A. Yes.

03:32:48 7 Q. And based on your experience and the recruitment cycle we  
03:32:54 8 discussed previously, what is your assessment of this?

03:32:57 9 A. I assess this as moving into the producing stage.

03:33:04 10 They've already been producing documents. And I see here a  
03:33:08 11 case officer, in my opinion, from China who is increasingly  
03:33:13 12 aggressive, pushing for the additional stuff, to bring the  
03:33:20 13 computer. I think that he's very encouraged by how this is  
03:33:25 14 going. He has a -- an agent, potential agent who he thinks  
03:33:33 15 is going to be very compliant. So this is a very nice step  
03:33:35 16 for him.

03:33:36 17 THE COURT: What happened to your volume?

03:33:37 18 THE WITNESS: Excuse me, sir?

03:33:40 19 THE COURT: What happened to your volume? Will you  
03:33:41 20 speak up?

03:33:42 21 THE WITNESS: I will speak up.

03:33:44 22 BY MR. MANGAN:

03:33:44 23 Q. You can pull that a little closer.

03:33:45 24 A. I've got it.

03:33:47 25 MR. MANGAN: If we can turn in this exhibit to page

OLSON - DIRECT (Mangan)

160

03:33:49 1 12. About midway down.

03:33:49 2 BY MR. MANGAN:

03:34:00 3 Q. There's a statement in the middle there, Mr. Olson, where  
03:34:04 4 it says, "All right. We really don't need to rush to do  
03:34:07 5 everything in one time, because, if we are going to do  
03:34:11 6 business together, this won't be the last time, right?"

03:34:14 7 A. Yes.

03:34:14 8 Q. All right. And how is that indicative of the recruitment  
03:34:20 9 cycle in espionage work?

03:34:22 10 A. It's very significant.

03:34:23 11 Q. Can you explain to the jury why?

03:34:25 12 A. It's significant because we, as case officers, always  
03:34:29 13 want to have a long-term relationship with our agents, with  
03:34:33 14 our sources. We don't want a one-time hit. We want to see  
03:34:40 15 this thing continue. And so right from the beginning of the  
03:34:43 16 relationship the case officer will be looking for every  
03:34:45 17 opportunity to reinforce the fact that you and I are going  
03:34:49 18 to work together for an extended period.

03:34:52 19 This is Case Officer 101, as far as I was concerned.

03:34:58 20 MR. MANGAN: Thank you. If we could take that  
03:35:00 21 exhibit down.

03:35:01 22 Your Honor, I'd like to publish Exhibit 67c, which has  
03:35:05 23 previously been admitted.

03:35:06 24 THE COURT: Yes.

03:35:08 25 MR. MANGAN: And if we could turn to pages 33. If



OLSON - DIRECT (Mangan)

161

03:35:21 1 we could go midway down. Further down, please.

03:35:31 2 BY MR. MANGAN:

03:35:32 3 Q. Mr. Olson, do you recall an exchange about whether or not  
03:35:35 4 the company -- whether or not those company documents would be  
03:35:43 5 able to be downloaded and viewed back in China?

03:35:45 6 A. Yes.

03:35:47 7 MR. MANGAN: All right. And then if we could turn  
03:35:49 8 to page -- the top of page 34, please. And further down.

03:35:59 9 Thank you.

03:35:59 10 BY MR. MANGAN:

03:36:03 11 Q. Part way down there, sir, do you see the question,  
03:36:06 12 "Regarding the document directly you sent last time, is it  
03:36:09 13 possible to dump it to a portable hard drive or USB drive from  
03:36:14 14 work computer in advance?"

03:36:16 15 A. Yes, I saw that.

03:36:17 16 Q. And in your professional assessment and experience, what  
03:36:23 17 is your assessment of this particular request?

03:36:25 18 A. I see that very consistent with a case officer's effort  
03:36:30 19 to maximize the production.

03:36:34 20 Case officers, all of us love downloads because you can  
03:36:37 21 get access to a lot of information that way.

03:36:43 22 MR. MANGAN: If we could turn to page 36. About  
03:36:49 23 midway down.

03:36:50 24 BY MR. MANGAN:

03:36:50 25 Q. You mentioned case officers like downloads. You see the

03:36:57 1 statement there on March 10, 2018?

03:37:00 2 A. Yes, I see it.

03:37:01 3 Q. That states, "Since there's still more time, download  
03:37:05 4 more data and bring them. Anything design related will would  
03:37:09 5 work."

03:37:10 6 A. Yes.

03:37:10 7 Q. Explain to the jury what you mean by, you know, how case  
03:37:15 8 agents love downloads. Why is that significant?

03:37:18 9 A. It's significant because it's a very efficient way to  
03:37:22 10 acquire a lot of information safely and quickly. It's the  
03:37:27 11 new era of spying. It used to be that we had small  
03:37:32 12 quantities of paper documents, and the new age is spying  
03:37:36 13 with downloads with databases. You can get the entire  
03:37:40 14 store. You can empty out the database of everything you're  
03:37:46 15 interested in.

03:37:47 16 So it is something that all case officers push for  
03:37:50 17 early on in the relationship. Let's get things downloaded.  
03:37:54 18 Bring them out in disk. Do you have access to your  
03:37:57 19 computer? Can you download it? It's a standard practice by  
03:38:02 20 all case officers.

03:38:05 21 MR. MANGAN: Thank you. We can take this exhibit  
03:38:07 22 down.

03:38:07 23 BY MR. MANGAN:

03:38:08 24 Q. Let me turn to -- before we turn to the actual visit in  
03:38:13 25 Belgium, as far as the process of traveling into another

03:38:17 1 country to do an intelligence operation -- we talked about  
03:38:23 2 sort of the risks and the precautions that you need to take.

03:38:26 3 A. Yes.

03:38:26 4 Q. In traveling into a new or a foreign country, would a  
03:38:33 5 case officer use an alias or could they travel in true name?

03:38:38 6 A. You could do it either way. Sometimes a true name is  
03:38:43 7 easier and safer because it's so well backstopped. It  
03:38:48 8 depends on the security procedures, how deep your cover is.

03:38:52 9 But in any case, even if you go in in true name, you  
03:38:56 10 are going to assume an alias for operational purposes once  
03:39:00 11 you get into that country.

03:39:01 12 Q. Okay. Is it possible to travel in true name but using an  
03:39:05 13 employment cover?

03:39:05 14 A. Yes, yes.

03:39:08 15 Q. Did you review some of the documents related to a company  
03:39:13 16 called Nanjing Luote?

03:39:15 17 A. Yes.

03:39:15 18 Q. When traveling overseas for an operation, are there  
03:39:23 19 certain steps that case officers need to take to make sure  
03:39:27 20 everyone knows each other's cover story?

03:39:30 21 A. Yes.

03:39:30 22 Q. And how does that work?

03:39:31 23 A. You want to make certain that you are sufficiently  
03:39:35 24 briefed on your cover company and who the officers are and  
03:39:39 25 what the mission of that cover company is. Because you're

not actually doing that work. It is all fiction. And so you want to make certain that you are at least sufficiently conversant with the activities and the personnel of that company to withstand kind of first-level questioning.

**Q.** And is that information conveyed verbally or in writing? How is that often done?

**A.** In my experience, we always did that by memorizing it before we went. But I suppose you could also have some kind of company documentation with you to refresh your memory.

**MR. MANGAN:** Your Honor, if we could publish Exhibit 56b?

**THE COURT:** Yes.

**MR. MANGAN:** Which has previously been admitted.

**BY MR. MANGAN:**

**Q.** Did you see this previously, Mr. Olson?

**A.** Yes, I did.

**Q.** And based on your experience, did this relate to the discussion we just had about background information for a cover?

**A.** Yes. In my opinion, this was a pre-briefing document, operational preparation for someone who was traveling to Europe. It listed specific questions on the next page that related to various countries. It's a kind of -- we would call it a gouge. Kind of an overview of the cover company that you would then be able to use to withstand kind of a

03:41:09 1 first level of questioning.

03:41:10 2 Q. So what is a gouge, and how do you spell that?

03:41:13 3 A. G-O-U-G-E. That's slang in the intelligence business.

03:41:19 4 It is a short operational briefing paper or statement that  
03:41:23 5 gives you kind of useful information that you may be called  
03:41:26 6 upon to -- to use.

03:41:27 7 Q. All right.

03:41:30 8 MR. MANGAN: Thank you. If we could take this down.

03:41:34 9 BY MR. MANGAN:

03:41:36 10 Q. Mr. Olson, I believe you saw some of the communications  
03:41:38 11 back and forth about which country --

03:41:40 12 A. Yes.

03:41:40 13 Q. -- they would meet in. What is the significance to a  
03:41:44 14 case officer of moving a meeting place from one country to  
03:41:47 15 another?

03:41:47 16 A. You move it to one country to another if you have some  
03:41:53 17 kind of concerns about the security in that country. You  
03:41:59 18 want to make certain that you are meeting in a country where  
03:42:02 19 you are comfortable, where the security forces are not  
03:42:05 20 likely to be a problem for you. You're always assessing the  
03:42:10 21 risk factors in various countries, and I think that was what  
03:42:16 22 was going on here.

03:42:16 23 Q. All right. Let's talk about the actual meeting in  
03:42:19 24 Brussels, Belgium, and some of the items that were found.

03:42:23 25 A. Yes.

03:42:23 1 Q. Based on what you reviewed, did you observe any aspects  
03:42:26 2 of tradecrafts specific to that meeting?

03:42:30 3 A. It was tradecraft across the board. The case officer  
03:42:34 4 was planning a meeting very, very carefully. He was quite  
03:42:40 5 interested in where the meetings were to take place -- a  
03:42:43 6 cafe in the hotel, whether or not the employees, associates,  
03:42:52 7 colleagues would be in a position to observe the fact that  
03:42:55 8 they were together.

03:42:58 9 Yeah, it was very, very systematic, and they were  
03:43:02 10 preparing it as an operational meeting.

03:43:05 11 Q. In terms of the target or the agent pushing for a  
03:43:11 12 different meeting location, does that create operational  
03:43:14 13 problems for a case officer?

03:43:15 14 A. It could, depending on which country it's being moved  
03:43:21 15 to. But if you're comfortable with that other country and  
03:43:25 16 you are eager to meet, as I think was the case here, you  
03:43:28 17 would probably accede to the convenience, the professional  
03:43:33 18 requirements of the agent.

03:43:34 19 Q. All right. Does the presence of the envelopes of cash  
03:43:41 20 have any significance to you in your assessment?

03:43:43 21 A. Yes, it does.

03:43:44 22 Q. How's that?

03:43:45 23 A. Very significant. A case officer is very eager to get  
03:43:51 24 the recruit to accept cash, to accept money, because that  
03:43:59 25 compromises the agent and it establishes a complicity

03:44:03 1 between the two of them. It makes it harder for that person  
03:44:06 2 to back away later on. So we always try to get our agents  
03:44:10 3 to accept money.

03:44:13 4 **Q.** When you have that situation and an agent turns over  
03:44:20 5 secret information in exchange for cash, does the nature of  
03:44:24 6 the relationship change?

03:44:25 7 **A.** By then it's very clear to both parties what's going  
03:44:28 8 on, and the agent realizes that he is selling information  
03:44:33 9 for money.

03:44:38 10 **Q.** There were -- I believe you saw some of the records  
03:44:42 11 relating to the fact that each individual who was arrested had  
03:44:47 12 two different phones.

03:44:48 13 **A.** Yes.

03:44:48 14 **Q.** How would phones typically be handled with respect to an  
03:44:55 15 intelligence operation?

03:44:56 16 **A.** When you're operational overseas, you would have phones  
03:45:02 17 for different purposes, and I think that was what I would  
03:45:05 18 interpret was going on here. If the case officers had more  
03:45:10 19 than one phone, they had designated them for specific  
03:45:13 20 purposes.

03:45:15 21 **Q.** Before an operation, are steps taken to clean those  
03:45:20 22 devices or remove some history on them?

03:45:23 23 **A.** They should, yes.

03:45:25 24 **Q.** All right. To the extent there is the use of code names  
03:45:30 25 for individuals, you know, not their real names but names like

OLSON - DIRECT (Mangan)

168

03:45:34 1 Tom or Jerry, is that ever used in intelligence operations?

03:45:38 2 A. Almost always.

03:45:40 3 Q. Always?

03:45:40 4 A. Yes.

03:45:41 5 Q. All right. Are these related to your aliases, or are  
03:45:45 6 these completely different names?

03:45:46 7 A. They can be randomly chosen, but you don't want to use  
03:45:51 8 true names or even your alias names in most cases on any  
03:45:55 9 kind of an operational phone call.

03:45:58 10 Q. All right. And are these for communications within the  
03:46:02 11 intelligence team?

03:46:03 12 A. Yes.

03:46:04 13 Q. All right. Now, I believe you saw the information  
03:46:14 14 related to photos of the GE employee's family?

03:46:19 15 A. Yes.

03:46:19 16 Q. From your assessment as someone who's worked as a case  
03:46:24 17 officer, why would a case officer want that type of  
03:46:30 18 information?

03:46:30 19 A. A case officer would want that kind of information  
03:46:32 20 because it contributes to your knowledge of this person from  
03:46:35 21 a personal standpoint. As I said earlier, you want to  
03:46:40 22 really know everything you can about this person, and family  
03:46:43 23 is extremely important in your dealings with this -- with  
03:46:46 24 this agent because you may have a position -- have the  
03:46:50 25 opportunity to call upon loyalty concerns about the family



03:46:56 1 later on to increase the relationship.

03:46:59 2 **Q.** All right. Are there multiple uses for that kind of  
03:47:03 3 information?

03:47:03 4 **A.** There could be. I could conceive of a situation where  
03:47:08 5 you would use personal information like that just to remind  
03:47:12 6 the agent of how much you know about him, how deep this  
03:47:16 7 relationship is already becoming. I could see that it could  
03:47:22 8 even be used potentially for some kind of subtle  
03:47:28 9 intimidation. I think that would probably not be a wise  
03:47:32 10 move for a case officer, but it's possible.

03:47:35 11 **Q.** Regardless of how it's used, is this the type of  
03:47:39 12 information a case officer would want to gather and have?

03:47:43 13 **A.** You would scrub everything you could to get as much  
03:47:45 14 information about the agent, including photographs, as you  
03:47:48 15 possibly can.

03:47:49 16 **Q.** All right. What about the things like the laptops and  
03:47:57 17 the storage devices that were recovered, what did that  
03:48:03 18 indicate to you?

03:48:03 19 **A.** They could have been used for spy purposes. They could  
03:48:08 20 have had uses for downloading. They could have been used  
03:48:13 21 for communications among themselves. They might have had  
03:48:16 22 documents there they wanted to refer to. A lot of multiple  
03:48:26 23 reasons you would want that with respect to a spy.

03:48:30 24 **Q.** With respect to the phone, you are aware of one of the  
03:48:34 25 phones being wiped, correct?

03:48:35 1 A. Yes.

03:48:35 2 Q. From your standpoint, in terms of an intelligence  
03:48:38 3 operation, why would someone want to wipe a phone afterwards?

03:48:43 4 A. You would want to wipe a phone because it has  
03:48:46 5 incriminating information on it. It's got communications,  
03:48:49 6 it's got data that you don't want the adversary to see. So  
03:48:54 7 whenever possible you would wipe your phone.

03:48:56 8 Q. And would that be indicative of espionage tradecraft?

03:48:59 9 A. Yes.

03:49:00 10 MR. MANGAN: I'd also like to publish, if I could,  
03:49:03 11 Your Honor, Exhibit 6f.

03:49:11 12 THE COURT: It's been admitted?

03:49:12 13 MR. MANGAN: It has, Your Honor. Yes, I'm sorry.

03:49:15 14 THE COURT: Yes, you may.

03:49:17 15 MR. MANGAN: If we could turn to the next page. We  
03:49:21 16 will start at the top half.

03:49:22 17 BY MR. MANGAN:

03:49:22 18 Q. Do you recall seeing this letter that was on one of the  
03:49:26 19 phones in Belgium?

03:49:27 20 A. Yes, I do.

03:49:28 21 Q. And based on your experience, do you see indications of  
03:49:33 22 espionage tradecraft with respect to this list?

03:49:36 23 A. Yes, I do. In fact, I smiled when I saw that. The  
03:49:40 24 Chinese are using questionnaires similar to the ones that we  
03:49:44 25 use where you want to know everything you can about

OLSON - DIRECT (Mangan)

171

03:49:46 1 biographical information, family information, interests,  
03:49:50 2 personality. This is quite typical.

03:49:52 3 Q. If we walk through this, if you can explain to the jury  
03:49:58 4 sort of, you know, what is this -- you said this is typical of  
03:50:02 5 a list that you would have used in the CIA?

03:50:05 6 A. Yes.

03:50:05 7 Q. All right. And have you trained people on this kind  
03:50:08 8 of -- this list of questions?

03:50:11 9 A. Right. It's expected of a case officer when you have a  
03:50:14 10 relationship with an agent to have obtained all of this  
03:50:17 11 information, this personal biographic information, so that  
03:50:21 12 it's included in the front part of the file.

03:50:23 13 Q. So the first two topics cover family situation and work  
03:50:29 14 situation. Why is that information important to a case  
03:50:34 15 officer?

03:50:34 16 A. You want to understand the work situation because  
03:50:37 17 that's where your agent is going to be able to provide the  
03:50:41 18 information, the technology you are looking for. If you  
03:50:45 19 want to understand exactly what the employment status is,  
03:50:48 20 you would also want to know the wife's employment status  
03:50:51 21 because that could figure in in some way in the future as  
03:50:54 22 well.

03:50:55 23 Q. If we look under Number 1 in that second line, it talks  
03:51:01 24 about family finance, living expenses, and economical or other  
03:51:06 25 pressures/difficulties.

OLSON - DIRECT (Mangan)

172

03:51:08 1 A. Yes.

03:51:09 2 Q. For a case officer, why are financial difficulties for a  
03:51:16 3 potential agent significant?

03:51:18 4 A. That's significant because if you have an agent who has  
03:51:21 5 financial problems, the incentive for that person to accept  
03:51:26 6 money from you to deal with those problems can be increased  
03:51:31 7 greatly.

03:51:31 8 This is something that a case officer likes to see. He  
03:51:34 9 likes to see someone who needs money because if you can  
03:51:38 10 provide that money, in many cases the person will agree to  
03:51:43 11 cooperate.

03:51:44 12 Q. I mean, to put this in blunt terms, I mean, was part of  
03:51:49 13 your job as a case officer to exploit these kinds of  
03:51:52 14 difficulties?

03:51:53 15 A. Yes.

03:51:53 16 Q. All right. If we could turn to the work situation.  
03:51:59 17 Going down a couple lines where it talks about -- the very  
03:52:02 18 last part of the third line, where it says, "whether the job  
03:52:06 19 is secure." Do you see that?

03:52:09 20 A. Yes.

03:52:10 21 Q. All right. Does that fit into the same kind of analysis  
03:52:16 22 you just mentioned?

03:52:17 23 A. Yes. And in other transcripts, I saw kind of a  
03:52:19 24 preoccupation by the case officer about whether or not the  
03:52:22 25 employment at GE is secure, because if not, this is no

03:52:27 1 longer worthwhile. So you're hoping that this person has  
03:52:31 2 stable employment, will be there for a long time, his  
03:52:34 3 relationship will be profitable for an extended period of  
03:52:37 4 time.

03:52:38 5 MR. MANGAN: All right. If we could scroll down a  
03:52:39 6 little further. A little bit further.

03:52:39 7 BY MR. MANGAN:

03:52:46 8 Q. So there's a section called "Information. What else do  
03:52:50 9 we know?"

03:52:51 10 And then the next one is called "Personal needs." Do you  
03:52:55 11 see that?

03:52:55 12 A. Yes.

03:52:56 13 Q. And then it goes through a few different -- a few  
03:53:03 14 different topics.

03:53:04 15 When it goes through things like, at the very bottom,  
03:53:12 16 "How to contact, how's the working environment, the actual  
03:53:16 17 operating procedure, who treats" you know, what do those  
03:53:22 18 statements mean to you?

03:53:23 19 A. That is providing guidance on how you will interact  
03:53:28 20 with the agent, whether you will use a formal relationship  
03:53:34 21 or you will make it more relaxed. How do you address the  
03:53:37 22 person. Who pays for your meals, other expenses like that.  
03:53:45 23 All very standard for establishing what kind of relationship  
03:53:48 24 you're going to have with this person.

03:53:52 25 MR. MANGAN: If we could take that down.

OLSON - DIRECT (Mangan)

174

03:53:53 1 BY MR. MANGAN:

03:53:54 2 Q. So, Mr. Olson, have you looked at the information  
03:53:57 3 relating to this GE employee and these events?

03:54:05 4 A. Yes.

03:54:05 5 Q. Did you see aspects of espionage tradecraft in that  
03:54:10 6 cycle?

03:54:11 7 A. Yes, I did. In fact, the conversations and the actions  
03:54:16 8 of this individual are those of an intelligence officer  
03:54:21 9 conducting espionage. I had no question about that at all.

03:54:27 10 MR. MANGAN: One moment, Your Honor.

03:54:28 11 THE COURT: Very well.

03:54:31 12 (Pause.)

03:54:31 13 MR. MANGAN: No further questions.

03:54:33 14 THE COURT: Very well.

03:54:39 15 Mr. McBride, do you want to launch now or do you have  
03:54:43 16 another proposal?

03:54:46 17 MR. McBRIDE: Your Honor, this might be a great time  
03:54:48 18 for a break, or do you want to break for the day, Your Honor?

03:54:51 19 THE COURT: You are not going to trap me.

03:54:54 20 MR. McBRIDE: No, sir.

03:54:55 21 THE COURT: But maybe. If it would help you for a  
03:54:58 22 break, we'll break for 15 minutes and figure out where we are,  
03:55:02 23 get the juice flowing in the jurors. They have had a long  
03:55:08 24 day.

03:55:08 25 We are going to break for 15 minutes, send you upstairs,

03:55:11 1 and then we will ask you to come back. During the break, take  
03:55:13 2 a break. Don't discuss the case among yourselves or with  
03:55:16 3 anyone else. No independent research. Continue to keep an  
03:55:20 4 open mind.

03:55:21 5 We will rise for you as you leave for 15 minutes.

03:55:25 6 THE COURTROOM DEPUTY: All rise for the jury.

03:55:32 7 (Jury out at 3:48 p.m.)

03:56:00 8 THE COURT: The jury's left the room. The door is  
03:56:03 9 closing. You may all be seated.

03:56:11 10 From my perspective, this is a natural break. We are  
03:56:15 11 coming up on 4:30. But you all know better than I where you  
03:56:18 12 are in the case.

03:56:19 13 Is the cross-examination likely to be extensive or not?

03:56:28 14 MR. McBRIDE: Your Honor, I think I can get it done  
03:56:31 15 in a half an hour, 40 minutes at the most.

03:56:34 16 THE COURT: From the government's perspective, you'd  
03:56:37 17 just as soon plunge ahead; is that right?

03:56:40 18 MR. MANGAN: We would, Your Honor.

03:56:41 19 THE COURT: Do you have more witnesses after this  
03:56:44 20 one?

03:56:45 21 MR. MANGAN: We do not.

03:56:46 22 THE COURT: I'm sorry we took a break. We'll be  
03:56:49 23 back at 4:05, and I am going to rely on you.

03:56:53 24 We are in recess until that time.

03:56:55 25 THE COURTROOM DEPUTY: All rise. The court is now

OLSON - DIRECT (Mangan)

176

03:56:57 1 in recess.

03:56:58 2 (Recess from 3:49 p.m. until 4:04 p.m.)

04:11:19 3 THE COURT: Remain seated. Court's in session, back  
04:11:21 4 in session.

04:11:22 5 Are we ready for the jury from the government's  
04:11:25 6 perspective?

04:11:27 7 MR. MANGAN: Yes, Your Honor.

04:11:27 8 THE COURT: From the defense as well?

04:11:29 9 MR. McBRIDE: Yes, Your Honor.

04:11:30 10 THE COURT: Let's get the jury.

04:12:41 11 THE COURTROOM DEPUTY: All rise for the jury.

04:12:43 12 (Jury in at 4:05 p.m.)

04:13:15 13 THE COURT: Please be seated.

04:13:17 14 15 jurors have rejoined us. Welcome back, jurors.

04:13:22 15 I want to push ahead. The defense has an opportunity to  
04:13:26 16 ask questions of this witness, and perhaps the government a  
04:13:29 17 few questions. I may have to keep you a little after 4:30,  
04:13:33 18 and by that I mean a little.

04:13:36 19 Can anybody not abide with that?

04:13:36 20 (No response.)

04:13:39 21 THE COURT: Very well. Mr. McBride, you may  
04:13:43 22 proceed.

04:13:43 23 The witness remains under oath.

04:13:44 24 MR. McBRIDE: Thank you, Your Honor.

04:13:47 25 **CROSS-EXAMINATION**



OLSON - CROSS (McBride)

177

04:13:47 1 BY MR. McBRIDE:

04:13:49 2 Q. Good afternoon, Mr. Olson. My name is Bob McBride. I  
04:13:52 3 represent Mr. Xu, along with my colleagues.

04:13:54 4 A. Good afternoon.

04:13:54 5 Q. Good afternoon. I want to ask you some questions about  
04:13:58 6 your testimony, if I may.

04:13:59 7 When did you leave active service as a case officer?

04:14:03 8 A. In 1999.

04:14:13 9 Q. And then I understand roughly you went to CIA  
04:14:16 10 headquarters?

04:14:17 11 A. Yes.

04:14:17 12 Q. When did you leave CIA headquarters, sir?

04:14:21 13 A. I left in 1998.

04:14:26 14 Q. All right. I believe you told us that you felt you were  
04:14:30 15 a case -- or you were a case officer beyond that date,  
04:14:33 16 correct, sir?

04:14:33 17 A. Yes. I still had some operational responsibilities.

04:14:40 18 Q. When you became a professor at your current position, you  
04:14:45 19 had to come out from undercover, correct?

04:14:46 20 A. Yes, sir.

04:14:47 21 Q. So you were undercover for approximately 32 years?

04:14:50 22 A. Yes, sir.

04:14:50 23 Q. You mentioned that your parents didn't know you were  
04:14:54 24 undercover?

04:14:54 25 A. That's right.

04:14:55 1 Q. 32 years they didn't know?

04:14:57 2 A. They didn't know.

04:14:58 3 Q. And your children, they didn't know either?

04:15:00 4 A. They did not know.

04:15:01 5 Q. Except for the one time that your children and you became

04:15:04 6 under threat and you let your 17-year-old know, correct?

04:15:08 7 A. Yes. And we were in Vienna.

04:15:13 8 Q. What countries did you operate in?

04:15:15 9 A. I operated in Russia and in Austria and in Mexico.

04:15:24 10 Q. And who was the primary enemy at that time?

04:15:28 11 A. Our number one adversary during the Cold War was

04:15:36 12 Russia.

04:15:37 13 Q. Would you agree with me that Russia culturally is much

04:15:40 14 more like the United States than is China?

04:15:42 15 A. I would probably agree with that, although the Russian

04:15:49 16 culture is distinctly different from ours.

04:15:53 17 Q. Understood. You testified today about your opinions

04:16:04 18 related to the evidence that you saw, correct, sir?

04:16:08 19 A. Yes.

04:16:08 20 Q. And those opinions were based only on the evidence that

04:16:14 21 was provided to you, sir, correct?

04:16:15 22 A. And on my training and experience, yes.

04:16:17 23 Q. You applied your training and experience only to the

04:16:20 24 evidence that was presented to you by the government, correct,

04:16:22 25 sir?

OLSON - CROSS (McBride)

179

04:16:22 1 A. Yes.

04:16:23 2 Q. You didn't read any outside sources on China and China  
04:16:27 3 espionage, did you?

04:16:27 4 A. I do that routinely in my duties as a professor.

04:16:30 5 Q. But not for this case, correct?

04:16:32 6 A. No, sir.

04:16:33 7 Q. I think you testified that -- and correct me if I'm  
04:16:46 8 wrong -- that the evidence that you saw was consistent with  
04:16:49 9 the early phases of the development?

04:16:51 10 A. Yes.

04:16:52 11 Q. The recruitment cycle?

04:16:53 12 A. Yes.

04:16:54 13 Q. And tell me again what that was, sir. What was the --  
04:16:58 14 what was that that you saw, sir, that made you think that?

04:17:01 15 A. I saw the classic recruitment cycle used by  
04:17:06 16 intelligence services, including the MSS, to spot targets  
04:17:10 17 and then to assess them, to develop them, and then to enter  
04:17:15 18 into a productive relationship.

04:17:17 19 Q. Yes, sir, I understand that. What was it in the  
04:17:20 20 development phase that you looked that made you think they  
04:17:23 21 were developing this man as a spy?

04:17:25 22 A. I saw the case officer pushing for more and more  
04:17:29 23 production. I saw him trying to build a personal and  
04:17:33 24 professional relationship.

04:17:35 25 Q. Sir, you don't know that this man is a case officer, do

04:17:38 1 you? That's simply your opinion.

04:17:40 2 A. It is not my opinion. I saw his admissions in the

04:17:44 3 transcripts that he is an MSS officer.

04:17:47 4 Q. That doesn't mean he is a case officer, does it, sir?

04:17:50 5 A. He is a case officer. He is an operator.

04:17:54 6 Q. Sir, nowhere in the evidence it says he's a case officer,

04:17:58 7 does it?

04:17:58 8 A. The entire pattern of his behavior tells me, based on

04:18:02 9 my experience, that he is an MSS case officer.

04:18:05 10 Q. Well, I want to talk about that pattern of behavior.

04:18:10 11 So I think you told us that spotting in this case

04:18:14 12 happened via LinkedIn, correct?

04:18:16 13 A. That was probably the initial spotting.

04:18:20 14 Q. So LinkedIn is used for a variety of other purposes, is

04:18:25 15 it not?

04:18:25 16 A. It can be.

04:18:25 17 Q. One of the purposes is to advertise your professional

04:18:32 18 credentials, correct?

04:18:33 19 A. Yes.

04:18:34 20 Q. Perhaps to get a new job, correct?

04:18:36 21 A. Yes.

04:18:36 22 Q. Perhaps to get -- build your network of people, correct?

04:18:39 23 A. It could be.

04:18:40 24 Q. You could also use it if you wanted to identify somebody

04:18:43 25 in your own profession, correct?

OLSON - CROSS (McBride)

181

04:18:44 1 A. Yes.

04:18:44 2 Q. Or if you were looking for an expert in another field,  
04:18:47 3 correct?

04:18:48 4 A. Could be.

04:18:49 5 Q. For example, an expert witness, correct?

04:18:52 6 A. Yes.

04:18:52 7 Q. Such as you are today, correct?

04:18:54 8 A. Yes.

04:18:58 9 Q. And that would be a typical use of LinkedIn, would it  
04:19:01 10 not?

04:19:01 11 A. Yes.

04:19:02 12 Q. And that's completely indistinguishable from the contact  
04:19:06 13 that was made through LinkedIn in this case; is it not?

04:19:11 14 A. The use of LinkedIn in this case was for intelligence  
04:19:16 15 spotting purposes.

04:19:16 16 Q. Sir, you don't know what it was for in this case. You  
04:19:20 17 have an opinion, correct?

04:19:21 18 A. I have a professional opinion based on my knowledge of  
04:19:25 19 how Chinese intelligence services operate, and LinkedIn is a  
04:19:29 20 standard spotting mechanism for the MSS.

04:19:32 21 Q. But you don't really know what they were doing, do you?

04:19:35 22 A. It's transparent to me what was going on.

04:19:39 23 Q. So for all you know, Chen Feng is a legitimate professor  
04:19:45 24 or -- correct, with NUAA?

04:19:50 25 A. Yes, I --

04:19:50 1 Q. And NUAA -- I'm sorry. I didn't mean to cut you off,  
04:19:54 2 sir.

04:19:54 3 A. Yes, I believe he is.

04:19:55 4 Q. And so NUAA is, of course, a legitimate organization; is  
04:19:58 5 it not?

04:19:58 6 A. Yes.

04:19:58 7 Q. A well-respected science and technology university in  
04:20:01 8 China, correct?

04:20:02 9 A. Correct.

04:20:02 10 Q. And there is -- we in America have well-respected science  
04:20:07 11 and technology universities here, correct?

04:20:10 12 A. Yes.

04:20:11 13 Q. And those universities conduct exchanges with other  
04:20:14 14 academics and professionals, do they not?

04:20:16 15 A. Yes. Quite often.

04:20:17 16 Q. So in all perspectives, the invite to China of Dr. Zheng  
04:20:28 17 was in all respects exactly the same as any other exchange,  
04:20:32 18 professional exchange?

04:20:33 19 A. No. It was different because it was an ulterior  
04:20:38 20 motive. It was an intelligence operation to bring that  
04:20:41 21 person to China for intelligence purposes.

04:20:43 22 Q. Sir, you don't know that there is an ulterior motive  
04:20:47 23 here.

04:20:47 24 A. I know how the MSS operates, and this is a common  
04:20:51 25 practice.

04:20:52 1 Q. How do you know -- well, let me talk about how you know  
04:20:56 2 how the MSS operates. How many bureaus does the MSS have?  
04:21:01 3 A. I cannot tell you.  
04:21:02 4 Q. Do you know what JSSD is?  
04:21:07 5 A. Yes.  
04:21:07 6 Q. What is it?  
04:21:08 7 A. It is the Jiangsu Science and Technology Association.  
04:21:15 8 Q. Where is that located?  
04:21:17 9 A. I believe it's in Nanjing.  
04:21:20 10 Q. Do you know how many people are employed by that  
04:21:22 11 organization?  
04:21:23 12 A. No, I do not.  
04:21:24 13 Q. Do you know how many people are employed by MSS?  
04:21:26 14 A. No, I do not.  
04:21:27 15 Q. Do you know whether --  
04:21:29 16 A. But I --  
04:21:30 17 Q. I'm sorry. I thought there was an objection. My  
04:21:33 18 apologies.  
04:21:34 19 Do you know whether everybody that's employed by MSS is  
04:21:37 20 an agent?  
04:21:38 21 A. I do not know that.  
04:21:39 22 Q. Do you know whether there are -- part of their mission is  
04:21:43 23 to collect open-source information?  
04:21:46 24 A. I know that all intelligence services do that.  
04:21:51 25 Q. And intelligence is really a collection and analysis of

04:21:56 1 just information; is it not?

04:21:58 2 A. It's not a collection of just information. It's a  
04:22:01 3 collection of secrets and controlled information.

04:22:06 4 Q. Sometimes, sir, correct?

04:22:07 5 A. Always, in my experience.

04:22:09 6 Q. Always, in you your experience, but not necessarily in  
04:22:14 7 China, correct?

04:22:14 8 A. Chinese services also operate the way we do. They use  
04:22:22 9 their intelligence services, and particularly their case  
04:22:24 10 officers, to collect not publicly available information.

04:22:28 11 Q. Sir, what kind of training do MSS officers have?

04:22:30 12 A. I don't know specifically because that's confidential,  
04:22:34 13 but I assume it's very rigorous. Similar to ours, I would  
04:22:39 14 guess.

04:22:39 15 Q. So you don't know what their initial training phase is?

04:22:42 16 A. No.

04:22:43 17 Q. And you don't know what kind of spycraft they are taught?

04:22:45 18 A. No, I do know what kind of spycraft they use, so I  
04:22:49 19 assume that's what they were taught.

04:22:50 20 Q. My question was, you don't know how they're trained, do  
04:22:53 21 you?

04:22:53 22 A. No.

04:22:54 23 Q. Okay. And you don't know who trains them, do you?

04:22:57 24 A. That's not publicly available.

04:23:00 25 Q. You know also that the PLA has a large intelligence-



04:23:07 1 gathering organization, correct?

04:23:08 2 A. Yes.

04:23:09 3 Q. You know also that China has significant institutes that  
04:23:16 4 collect open-source information, correct?

04:23:18 5 A. Yes.

04:23:18 6 Q. And, in fact, China's evaluation of open-source  
04:23:24 7 information is quite institutionalized; is it not?

04:23:27 8 A. I would assume so.

04:23:29 9 Q. You don't know?

04:23:30 10 A. No.

04:23:31 11 Q. You would agree with me that China is behind us in  
04:23:41 12 science and technology, correct?

04:23:43 13 A. Would you repeat that?

04:23:45 14 Q. Do you agree that China is behind us in science and  
04:23:50 15 technology generally?

04:23:51 16 A. Generally behind us?

04:23:52 17 Q. Yes.

04:23:52 18 A. Yes.

04:23:53 19 Q. And also in aviation. Would you agree with that?

04:23:55 20 A. Yes.

04:23:55 21 Q. And that to catch up with aviation areas, they are using  
04:24:01 22 American companies to provide products for them?

04:24:04 23 A. Yes.

04:24:05 24 Q. What are your concerns about technology transfers that  
04:24:10 25 are perfectly legal?

OLSON - CROSS (McBride)

186

04:24:11 1 A. I think that those are positive. It's commercial.  
04:24:16 2 It's business. It's open. As long as the technology in  
04:24:23 3 question is not trade secret or controlled technology.  
04:24:28 4 Q. So it's okay to do an academic exchange where no secrets  
04:24:32 5 are released; is that correct?  
04:24:33 6 A. If there are no secrets, an academic exchange is  
04:24:37 7 legitimate.  
04:24:38 8 Q. Are you aware that in this case no secrets were released  
04:24:41 9 when Dr. Zheng went to China?  
04:24:45 10 A. I don't know the substance of his lecture. I don't  
04:24:48 11 know how much information he contributed. But I do know  
04:24:53 12 that it was encouraging to the MSS because they followed up.  
04:24:56 13 Q. So the government didn't tell you that no information --  
04:25:00 14 no secrets were released at the NUAA lecture by Dr. Zheng?  
04:25:05 15 A. No, I don't know what that information was.  
04:25:07 16 Q. Did they tell you that Dr. Zheng took steps to make sure  
04:25:11 17 he released no secret information?  
04:25:14 18 A. No, I was not told that.  
04:25:17 19 Q. I want to go back to this issue of information  
04:25:28 20 development. So I believe you testified that operators -- I  
04:25:36 21 want to make sure I get this wrong [sic], so if I get the  
04:25:39 22 wrong terminology, please forgive me.  
04:25:41 23 Case agents identify operators or agents to obtain  
04:25:47 24 information their seniors want, correct?  
04:25:49 25 A. Yes.

04:25:49 1 Q. And in our case, in the United States' case, it's the  
04:25:52 2 President, correct?

04:25:53 3 A. We have a mechanism for consolidating requirements  
04:25:58 4 through the national director of intelligence.

04:26:01 5 Q. But it comes from the top down, correct?

04:26:03 6 A. It comes from the executive branch primarily.

04:26:06 7 Q. All right. And in those cases, they are general requests  
04:26:12 8 for information, correct?

04:26:13 9 A. Not always. Some of them are very specific.

04:26:16 10 Q. How high up do they come from?

04:26:18 11 A. Any senior government official can solicit requirements  
04:26:25 12 from the intelligence community, secret information that  
04:26:29 13 that official believes would be useful for national  
04:26:33 14 security.

04:26:37 15 Q. And in this case, there is no communications from any  
04:26:41 16 national government that you have seen specifying information  
04:26:46 17 to be asked for?

04:26:47 18 A. I know how the requirement process works, and it comes  
04:26:52 19 from a lot of different bureaus and agencies of the United  
04:26:58 20 States government. Many of them submit collection  
04:27:00 21 requirements for the intelligence community.

04:27:03 22 Q. But in this case, there is no such evidence of that  
04:27:05 23 coming from China, is there?

04:27:07 24 A. China operates differently.

04:27:11 25 Q. China operates differently. So does the MSS operate

OLSON - CROSS (McBride)

188

04:27:15 1 differently or exactly the same way the CIA operates?

04:27:18 2 A. It operates differently. It lists its requirements

04:27:23 3 from experts in the different fields.

04:27:25 4 Q. Um-hmm. There are no names of experts in these fields

04:27:30 5 mentioned in any of the information you reviewed, was there?

04:27:32 6 A. No. They were just described as unidentified males.

04:27:35 7 Q. Um-hmm. You mention the use of multiple platforms for

04:27:44 8 communication as evidence of spycraft, correct?

04:27:47 9 A. Yes.

04:27:47 10 Q. Do you have email?

04:27:50 11 A. Yes.

04:27:51 12 Q. Do you have text messages?

04:27:53 13 A. Yes.

04:27:53 14 Q. Do you use Instagram?

04:27:57 15 A. I do not.

04:27:57 16 Q. Do you have grandkids?

04:27:59 17 A. Yes.

04:27:59 18 Q. Do they use Instagram?

04:28:01 19 A. I don't know. I would guess they probably do.

04:28:04 20 Q. How about Twitter? Do you use Twitter?

04:28:06 21 A. I do not.

04:28:07 22 Q. I assume you don't use WeChat, correct?

04:28:10 23 A. I do not.

04:28:11 24 Q. All right. Do you have the same email address for work

04:28:13 25 as you do for home?

OLSON - CROSS (McBride)

189

04:28:15 1 A. I have two email addresses.

04:28:17 2 Q. Are they the same?

04:28:18 3 A. No.

04:28:19 4 Q. So they have different names, correct?

04:28:23 5 A. Yes.

04:28:24 6 Q. Not just domain names, correct?

04:28:26 7 A. No.

04:28:27 8 Q. All right. Would you agree with me that it's not unusual

04:28:33 9 in modern life for people to use more than one name on

04:28:38 10 platforms?

04:28:39 11 A. A name? You mean their personal name?

04:28:44 12 Q. Or identifier, sir. That was a bad question. Let me

04:28:47 13 rephrase it, if I may.

04:28:49 14 Is it not usual in modern life for people to use a

04:28:53 15 different identifier for themselves on different platforms?

04:29:00 16 A. Yes. Some email addresses are very creative and do not

04:29:03 17 have a name in it.

04:29:05 18 Q. So someone may use one identifier on an email address and

04:29:08 19 another one on an Instagram account, correct?

04:29:11 20 A. That could happen, yes.

04:29:13 21 Q. It could also happen that the one -- they would have a

04:29:16 22 different identifying -- identifier address on their Twitter

04:29:22 23 account than they would on their Instagram account, correct?

04:29:25 24 A. Yes.

04:29:25 25 Q. And does it stand to reason that the same thing could be

OLSON - CROSS (McBride)

190

04:29:30 1 true for WeChat?

04:29:31 2 A. Yes.

04:29:31 3 Q. All right. And is it unusual today for people to use  
04:29:35 4 email and text messages in communicating with each other?

04:29:39 5 A. No, it's not unusual.

04:29:43 6 Q. So that in and of itself is not indicative of spycraft,  
04:29:48 7 is it?

04:29:48 8 A. That's right.

04:29:49 9 Q. You talked about the photographs that were found during  
04:30:02 10 the trip to Belgium. Do you remember that, sir?

04:30:04 11 A. Yes, I do.

04:30:05 12 Q. All right. Those photographs were on WeChat. Did you  
04:30:07 13 know that?

04:30:07 14 A. Yes.

04:30:08 15 Q. And that -- did you know that Dr. Zheng had friended Chen  
04:30:15 16 Feng and Qu Hui on WeChat?

04:30:21 17 A. Yes.

04:30:21 18 Q. You knew that?

04:30:22 19 A. Not specifically, but I assumed so.

04:30:24 20 Q. All right. And you know that people can download images  
04:30:27 21 or photographs from WeChat, correct, sir?

04:30:30 22 A. Yes.

04:30:30 23 Q. That in and of itself is not indicative of tradecraft, is  
04:30:35 24 it?

04:30:35 25 A. It's consistent of tradecraft for a case officer to

OLSON - CROSS (McBride)

191

04:30:40 1 want to do that with the agent.

04:30:41 2 Q. But in and of itself it's not indicative of tradecraft,  
04:30:48 3 is it?

04:30:48 4 A. Standing alone it might not be.

04:30:50 5 Q. Thank you. There was also \$7,000 found in U.S. dollars  
04:30:57 6 in Belgium; is that correct, sir?

04:30:58 7 A. Yes.

04:31:02 8 Q. And that money was never transferred to anybody, was it?

04:31:05 9 A. No.

04:31:06 10 Q. It's not unusual for Chinese people to pay in U.S.  
04:31:19 11 dollars, is it?

04:31:20 12 A. I don't know that.

04:31:21 13 Q. Okay. Does it stand to reason that one would spend  
04:31:23 14 \$7,000 to buy multimillion dollar technology?

04:31:31 15 A. No, it doesn't sound that that would be sufficient.

04:31:36 16 Q. Okay. You mentioned about the Safran incident. Do you  
04:31:47 17 remember that, sir?

04:31:48 18 A. Yes, I do.

04:31:48 19 Q. China is a surveillance state, is it not?

04:31:51 20 A. Yes.

04:31:52 21 Q. All right. So if you're a company doing business in  
04:31:54 22 China, it's likely that there's going to be some sort of  
04:31:57 23 surveillance, correct?

04:31:58 24 A. It's almost certain.

04:31:59 25 Q. Almost certain.

04:32:01 1 Did you know that there is no evidence that the malware  
04:32:06 2 searched for any files once it was in place?

04:32:09 3 A. I don't know how the malware was specifically used. I  
04:32:13 4 just know it was implanted.

04:32:14 5 Q. All right. So the government didn't tell you that the  
04:32:17 6 malware did not search for any particular files, correct?

04:32:20 7 MR. MANGAN: Objection.

04:32:21 8 THE COURT: Basis?

04:32:22 9 MR. MANGAN: Misleading, misstating the evidence.

04:32:24 10 THE COURT: Sustained as to form only.

04:32:35 11 BY MR. McBRIDE:

04:32:35 12 Q. Sir, did you know there was no evidence that the malware  
04:32:41 13 extracted information from the computer?

04:32:45 14 MR. MANGAN: Objection. Same objection.

04:32:56 15 THE COURT: Sustained.

04:33:06 16 BY MR. McBRIDE:

04:33:14 17 Q. I want to go back one question for -- about MSS, sir.  
04:33:22 18 You don't know what the Sixth Bureau does, do you?

04:33:25 19 A. No.

04:33:32 20 MR. McBRIDE: May I have a moment, Your Honor?

04:33:34 21 THE COURT: Yes.

04:33:36 22 MR. McBRIDE: I'm close to done.

04:33:43 23 (Pause.)

04:33:51 24 BY MR. McBRIDE:

04:33:52 25 Q. Sir, I've got your book *Fair Play* here.



04:33:56 1 A. Yes.

04:33:57 2 Q. I'd like to read you a couple of lines out of it if I

04:34:05 3 may, tell me if I read them correctly.

04:34:06 4 MR. MANGAN: Objection, Your Honor.

04:34:08 5 THE COURT: Basis?

04:34:11 6 MR. MANGAN: Hearsay, improper impeachment.

04:34:18 7 MR. McBRIDE: Your Honor, it's his book, his words.

04:34:21 8 Goes to his credibility.

04:34:23 9 THE COURT: I don't know how you are going to use

04:34:25 10 it. You may proceed.

04:34:27 11 BY MR. McBRIDE:

04:34:27 12 Q. Sir, you wrote this book *Fair Play*?

04:34:29 13 A. Yes, I did.

04:34:30 14 Q. And this is -- touches on the morality of spycraft?

04:34:33 15 A. Yes.

04:34:33 16 Q. All right. And in this book, don't you say that you

04:34:38 17 lied, cheated, and stole, misled people, et cetera, in service

04:34:43 18 of the United States?

04:34:43 19 A. Yes, I did.

04:34:44 20 Q. That was, in your mind, a noble cause?

04:34:47 21 A. Yes. I believed I was serving our country.

04:34:58 22 Q. Would a conviction here serve the intelligence

04:35:02 23 community's objectives?

04:35:04 24 MR. MANGAN: Objection.

04:35:06 25 THE COURT: Overruled.

04:35:10 1 You can answer the question.

04:35:11 2 THE WITNESS: It's hard for me to speculate on that.

04:35:17 3 I believe that Chinese espionage needs to be stopped. I

04:35:22 4 believe this would be a step in the right direction, because I

04:35:27 5 know spying when I see it, and this is spying. I believe that

04:35:31 6 a conviction would be -- in my opinion, it would be -- it

04:35:37 7 would be justice.

04:35:38 8 BY MR. McBRIDE:

04:35:38 9 Q. So it's your testimony you know a spy when you see it?

04:35:41 10 A. Yes.

04:35:43 11 MR. McBRIDE: That's all I have, Your Honor. Thank

04:35:45 12 you.

04:35:45 13 THE COURT: Very well.

04:35:49 14 Redirect, if any.

04:35:58 15 **REDIRECT EXAMINATION**

04:35:58 16 BY MR. MANGAN:

04:35:59 17 Q. Mr. Olson, when you evaluated the information in this  
04:36:01 18 case, did you rely on any one indicator or were you looking at  
04:36:07 19 a collection of indicators to form your opinion?

04:36:10 20 A. In counterintelligence, we don't look at single  
04:36:16 21 incidents, we look at the incidents in their totality, we  
04:36:20 22 look at the context, we look at the patterns, and then we  
04:36:24 23 draw our conclusions.

04:36:25 24 I looked at the totality of the evidence in this case.

04:36:29 25 Q. And regarding exchanges in the initial presentation, does

04:36:33 1 the content of that initial presentation affect your opinion  
04:36:38 2 that it's part of the assessment phase?

04:36:40 3 A. No.

04:36:41 4 Q. All right. Lastly, Mr. McBride asked you about the  
04:36:47 5 things that you did in your career --

04:36:49 6 A. Yes.

04:36:49 7 Q. -- on behalf of the United States.

04:36:51 8 A. Yes.

04:36:51 9 Q. You were taking risks, right?

04:36:55 10 A. Yes.

04:36:55 11 Q. And if you had been caught in a foreign country, there  
04:36:58 12 would have been consequences?

04:37:00 13 MR. McBRIDE: Objection.

04:37:00 14 THE COURT: Overruled.

04:37:02 15 BY MR. MANGAN:

04:37:02 16 Q. Would there have been consequences?

04:37:04 17 A. Yes. It would have been severe. It's better not to  
04:37:07 18 get caught.

04:37:08 19 MR. MANGAN: That's all I have, Your Honor.

04:37:09 20 THE COURT: Recross, if any.

04:37:12 21 **RECROSS-EXAMINATION**

04:37:15 22 BY MR. McBRIDE:

04:37:21 23 Q. If you had been caught in a country with an extradition  
04:37:28 24 treaty for another country --

04:37:29 25 A. Yes.

04:37:30 1 Q. -- all right, and arrested, you could have been  
04:37:32 2 extradited and sent to the country and prosecuted, right?

04:37:36 3 A. If there were an extradition treaty that applied to my  
04:37:40 4 case, yes.

04:37:41 5 Q. All right. Did you avoid those countries of which there  
04:37:46 6 were such extradition treaties?

04:37:49 7 A. If I had a mission in a foreign country where I did not  
04:37:52 8 have diplomatic immunity, I accepted the risk.

04:37:57 9 MR. McBRIDE: Thank you.

04:38:02 10 THE COURT: Sir, you have completed your testimony.  
04:38:05 11 You are welcome to step down and leave.

04:31:13 12 Where do we stand from the government's perspective?

04:31:15 13 MR. MANGAN: Your Honor, we're ready to adjourn for  
04:31:19 14 the day. And we have no further witnesses.

04:31:23 15 THE COURT: Are you resting, subject to the  
04:31:26 16 admission and clarification of exhibits?

04:31:29 17 MR. MANGAN: Yes, Your Honor, subject to the  
04:31:30 18 admission of the exhibits and clarification as well as a  
04:31:33 19 clarification on the stipulation. Otherwise, yes.

04:31:38 20 THE COURT: Very well. So are you willing to say  
04:31:41 21 it?

04:31:41 22 MR. MANGAN: Yes, Your Honor. Subject to those  
04:31:43 23 conditions, we are resting.

04:31:44 24 THE COURT: Very well. Ladies and gentlemen of the  
04:31:47 25 jury, the government has completed its presentation of its

case. It's not the end of the trial. But we will not be having trial on Monday, so you get a three-day weekend.

In addition, our plan for Tuesday is to do a half day from 10:30 a.m. to 3 p.m., but the schedule for Tuesday might change. There's a small chance we will not need you to come in on Tuesday at all. So for now, though, please plan to be back on Tuesday by 10:30 for a half day, but we're going to set the jury telephone line on Monday at 5 to give you final confirmation of the schedule. Please call the jury line on Monday after 5 p.m. to find out the final schedule.

If you have any questions, you can, of course, reach Jen Webster by phone or email. So you are going to get a break, and I hope some of you, at least, will trick-or-treat on Saturday. But I want you to have a good long weekend break.

And this is critical. Continue to keep an open mind. We're not done. During the break, take a break, enjoy your break. If you can vote tonight or Saturday or Monday, I would encourage you to do so. But most importantly, take a break. Do not discuss the case with anyone, including among yourselves. No independent research. Continue to keep an open mind. I want you to have a good weekend.

Out of respect for you, we'll rise as you leave.

THE COURTROOM DEPUTY: All rise for the jury.

(Jury out at 4:33 p.m.)

THE COURT: Jury's left the room. The door is

04:34:23 1 closing. Is there anything that requires my attention at this  
04:34:27 2 moment before we recess for the weekend? First from the  
04:34:30 3 government?

04:34:31 4 MR. MANGAN: No, Your Honor. I believe we advised  
04:34:33 5 Ms. Frankian we will be filing something with respect to the  
04:34:37 6 defense's new expert. Is there a specific time when we should  
04:34:42 7 treat as the Court's deadline?

04:34:44 8 THE COURT: As soon as you can.

04:34:46 9 MR. MANGAN: Yes, sir.

04:34:47 10 THE COURT: I believe you all filed something  
04:34:49 11 yesterday at 11 p.m.-ish. Or the day before.

04:34:56 12 MS. GLATFELTER: That was the day before.

04:34:57 13 THE COURT: I'm impressed that everybody's working  
04:34:59 14 that hard.

04:35:00 15 MS. GLATFELTER: I think we will probably need till  
04:35:03 16 Sunday, but we will try to get something filed by Sunday.  
04:35:06 17 Thank you, Your Honor.

04:35:06 18 THE COURT: Very well.

04:35:07 19 MR. MANGAN: Nothing else, Your Honor.

04:35:08 20 THE COURT: You can chat with Ms. Frankian if  
04:35:13 21 appropriate. I'd like to see your filing when you're ready.  
04:35:16 22 I simply wanted to tease you about working at 8 p.m. or 9 --  
04:35:20 23 or 11 p.m. I read it thoroughly. Perhaps not at that moment.

04:35:24 24 Is there anything from the defense before we adjourn for  
04:35:26 25 the weekend?

04:35:27 1 MR. McBRIDE: No, Your Honor.

04:35:28 2 THE COURT: We're in recess.

04:35:30 3 Check in with my law clerk as to -- as we go along as to  
04:35:35 4 what we're doing on Monday. Enjoy your weekend.

04:35:40 5 THE COURTROOM DEPUTY: The court is now in recess.

04:35:42 6 (Proceedings adjourned at 4:35 p.m.)

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## 1 CERTIFICATE OF REPORTER

2  
3 I, Mary A. Schweinhagen, Federal Official Realtime  
4 Court Reporter, in and for the United States District Court  
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14 \_\_\_\_\_ 21st of January, 2022

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